



California Regulatory Notice Register

REGISTER 2007, NO. 42-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

OCTOBER 19, 2007

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z07-1009-01 1741

MULTI-COUNTY: Exclusive Risk Management Authority of California

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Diaprepes Root Weevil Interior Quarantine — Notice File No. Z07-1009-13 1742

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Mediterranean Fruit Fly Eradication Area — Notice File No. Z07-1009-12 1743

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Oriental Fruit Fly Eradication Area — Notice File No. Z07-1009-14 1745

TITLE 13. AIR RESOURCES BOARD

Heavy-Duty Diesel In-Use Compliance Regulation — Notice File No. Z07-1009-17 1747

TITLE 13. AIR RESOURCES BOARD

In-Use On-Road Diesel Fueled Heavy-Duty Drayage Trucks — Notice File No. Z07-1009-16 1749

TITLE 13/17. AIR RESOURCES BOARD

Diesel Auxiliary Engines on Ocean-Going Vessels — Notice File No. Z07-1009-18 1757

TITLE 14. FISH AND GAME COMMISSION

Sport Fishing Report Card and Tagging Requirements — Notice File No. Z07-1009-03 1765

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

Ethical Standards of Practice — Notice File No. Z07-1009-07 1774

TITLE 16. CALIFORNIA ARCHITECTS BOARD

Filing of Applications and Eligibility for Exam — Notice File No. Z07-1009-02 1775

TITLE 17. AIR RESOURCES BOARD

Greenhouse Gas Emissions — Notice File No. Z07-1009-15 1777

(Continued on next page)

***Time-
Dated
Material***

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME
CESA Consistency Determination Request for Fair Street Detention Facility, Butte County 1782

DEPARTMENT OF FISH AND GAME
CESA Consistency Determination for Mendota 180 East Rehabilitation Project, Fresno County 1782

DEPARTMENT OF FISH AND GAME
Notice Soliciting Information Regarding Suction Dredge Mining 1783

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Proposition 65, Regulatory Update Project 1784

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1785

Sections Filed, May 9, 2007 to October 10, 2007 1788

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Thomson West and is offered by subscription for \$202.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Thomson–West/Barclays, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

ADOPTION

MULTI-COUNTY: Exclusive Risk Management Authority of California

A written comment period has been established commencing on **October 19, 2007**, and closing on **December 3, 2007**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **December 3, 2007**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3433, subsection (b) of the regulations in Title 3 of the California Code of Regulations pertaining to *Diaprepes Root Weevil* Interior Quarantine as an emergency action that was effective on September 11, 2007. The Department proposes to continue the regulation as amended and to complete the adoption process by submission of a Certificate of Compliance no later than March 10, 2008.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the actions proposed to the agency officer named below on or before December 3, 2007.

Following the public hearing and the written comment period, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

This amendment of Section 3433 expanded two new quarantine areas in San Diego County (Fairbanks Ranch and La Jolla areas). This added approximately five and one half square miles to the La Jolla area and

two square miles of the Fairbanks Ranch area of San Diego County as additional areas under quarantine for *Diaprepes abbreviatus*.

The proposed amendment of Section 3433 will expand, by approximately one-quarter square mile, an existing quarantine area in the southern La Jolla area of San Diego County. The proposed amendment will also merge the existing regulated areas of the La Jolla/Del Mar and Fairbanks Ranch/Rancho Santa Fe areas of San Diego County by adding approximately six square miles.

The effect of the amendment is to provide authority for the State to regulate movement of the articles and commodities covered that may move life stages of the *Diaprepes root weevil* from, into, and within that area under quarantine to prevent artificial spread of the weevil to noninfested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3433 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3433. No reimbursement is required for Section 3433 under Section 17561 of the Government Code because the San Diego County Agricultural Commissioner requested the changes in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting some California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the adopted regulation on a representative private person or business is not expected to be significantly adverse. The Department does not know of additional costs a representative person or business would incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department proposes to amend Section 3433 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services,

1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet web-site (www.cdfa.ca.gov/phpps/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulation in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differs from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3591.5, subsection (a), of the regulations in Title 3 of the California Code of Regulations pertaining to Mediterranean Fruit Fly Eradication Area as an emergency action that was effective on September 11, 2007. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 10, 2008.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is

requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before December 3, 2007.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

Section 3591.5, subsection (a), was amended and established Solano County as an eradication area for Mediterranean fruit fly, *Ceratitis capitata*. The effect of this action was to establish authority for the State to conduct eradication activities in Solano County against this pest. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3591.5 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.5 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed adoption and amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend Section 3591.5, subsection (a), pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend Section 3591.5, subsection (a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (<http://www.cdfa.ca.gov/phpps/Regulations.html>).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3591.2, sub-

section (a), of the regulations in Title 3 of the California Code of Regulations pertaining to Oriental Fruit Fly Eradication Area as an emergency action that was effective on September 25, 2007. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 25, 2008.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before December 3, 2007.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

Section 3591.2, subsection (a), was amended and established Sacramento County as an eradication area for Oriental fruit fly, *Bactrocera dorsalis*. The effect of this action was to establish authority for the State to conduct eradication activities in Sacramento County against this pest. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3591.2 does not impose a mandate

on local agencies or school districts and no reimbursement is required for Section 3591.2 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed adoption and amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend Section 3591.2, subsection (a), pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend Section 3591.2, subsection (a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (<http://www.cdfa.ca.gov/phpps/Regulations.html>).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO ADOPT GASEOUS POLLUTANT MEASUREMENT ALLOWANCES FOR CALIFORNIA'S HEAVY-DUTY DIESEL IN-USE COMPLIANCE REGULATION

The Air Resources Board (ARB or the Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to California's heavy-duty diesel engine (HDDE) test procedures. The proposed amendments would modify the measurement allowances for the regulated gaseous pollutants during heavy-duty diesel in-use compliance testing, when using Portable Emissions Measurement Systems (PEMS). The proposed amendments are essentially identical to the modifications planned by the United States Environmental Protection Agency (U.S. EPA).

DATE: December 6, 2007
TIME: 9:00 a.m.
PLACE: Air Resources Board
Auditorium
9530 Telstar Avenue
El Monte, California 91731

This meeting location may change. This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., December 6, 2007, and may continue at 8:30 a.m., December 7, 2007. This item may not be considered until December 7, 2007. Please consult the agenda for the meeting, which will be available at least 10 days before December 6, 2007, to determine the location and day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to title 13, California Code of Regulations (CCR), 1956.8, and the following document incorporated by reference therein: "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as last amended July 26, 2007.

Background: Health and Safety Code section 43104 directs ARB to adopt test procedures to ensure compliance with emission standards for new heavy-duty motor vehicles. In 2006, ARB adopted a new in-use compliance regulation and test procedures that allow for a more efficient and cost-effective test method to conduct in-use compliance testing of HDDEs. This new testing method, called the manufacturer-run heavy-duty diesel in-use testing program, requires manufacturers to emissions test a set number of their certified engine families each year using PEMS installed on selected test vehicles. These test vehicles would be tested with PEMS when placed in normal revenue service. Because testing will be conducted in the field instead of an environmentally controlled laboratory, ARB, U.S. EPA, and the engine manufacturers agreed to determine a "measurement allowance" for each pollutant to account for any potential difference in measurement accuracy. The Southwest Research Institute (SwRI), in San Antonio, Texas was contracted to develop PEMS measurement allowances for gaseous emissions, under the direction of a measurement allowance steering committee (MASC) comprised of members from ARB, U.S. EPA and the engine manufacturers.

Proposed Action: SwRI has completed testing and published a MASC approved final report establishing appropriate measurement allowances for oxides of nitrogen, non-methane hydrocarbons and carbon monoxide. The measurement allowances will be used when conducting heavy duty diesel in-use compliance testing using PEMS. Staff is proposing that the Board adopt the measurement allowances recommended by SwRI.

COMPARABLE FEDERAL REGULATIONS

Staff is proposing amendments to adopt the measurement allowances used when conducting heavy duty diesel in-use compliance testing using PEMS. U.S. EPA is expected to adopt the same measurement allowances for its essentially identical heavy-duty in-use compliance testing program within the next six months.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the environmental and economic impacts of the proposal. The report is entitled: "Staff Report: Initial Statement of Reasons for the Proposed Rulemaking — Public Hearing to Adopt Gaseous Pollutant Measurement Allowances For California's Heavy-Duty Diesel In-Use Compliance Regulation."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on December 6, 2007.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons: Mr. Stephan Lemieux, Manager, On-Road Heavy Duty Diesel Section, at (626) 450-6162 or slemieux@arb.ca.gov, or Mr. Dipak Bishnu, Air Resources Engineer, On-Road Heavy Duty Diesel Section, at (626) 575-6696 or dbishnu@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Alexa Malik, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-4011, or Amy Whiting, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/2007/hdiuc07/hdiuc07.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies, private persons and businesses in rea-

sonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary cost or savings to state or local agencies. The proposed amendments do not affect state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons and businesses. ARB is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action. The proposed amendments will have economic impacts on the manufacturers of HDDEs, however these impacts are expected to be slight and absorbable.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. The amendments would apply to all manufacturers of HDDEs and make California requirements consistent with federal law. None of the manufacturers of HDDEs is located in California.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. Any impact on businesses in California is expected to be slight and positive. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, California Code of Regulations, section 4, that the proposed regulatory action will not affect small businesses. There will be no incremental costs associated with staff's proposal in addition to those already needed to comply with the federal regulation. Any impact on businesses in California is expected to be slight, absorbable and positive.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the

health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

Interested members of the public may also present comments orally or in writing at the meeting, and in writing or by e-mail before the meeting. To be considered by the Board, written comments submissions not physically submitted at the meeting must be received **no later than 12:00 noon, December 5, 2007**, and addressed to the following:

Postal mail: Clerk of the Board,
Air Resources Board
1001 I Street,
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code sections 39600, 39601, 43013, 43018, 43100, 43101, 43104, 43105, and 43806; and Vehicle Code section 28114. This action is proposed to implement, interpret and make specific Health and Safety Code sections 39002, 39003, 39500, 43000, 43013, 43018, 43100, 43101, 43102,

43104, 43106, 43202, 43204, 43206, 43210, 43211, 43212, 43213, and 43806; and Vehicle Code section 28114.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED REGULATION TO CONTROL EMISSIONS FROM IN-USE ON-ROAD DIESEL-FUELED HEAVY-DUTY DRAYAGE TRUCKS AT PORTS AND INTERMODAL RAIL YARD FACILITIES

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of a regulation to reduce emissions of diesel particulate matter (PM) and oxides of nitrogen (NOx) from drayage trucks that operate at ports and intermodal rail yards in California. Motor carriers that dispatch drayage trucks, port terminals and rail yards, port and rail authorities, drayage truck drivers, and drayage truck owners would be subject to and have responsibilities under this regulation. This notice summarizes the proposed regulation. The Staff Report: Initial Statement of Reasons (Staff Report) and Technical Support Document present the regulation and information supporting the adoption of the regulation in greater detail.

DATE: December 6, 2007

TIME: 9:00 a.m.

PLACE: Air Resources Board
Auditorium
9530 Telstar Avenue
El Monte, California 91731

This meeting location may change. This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., December 6, 2007, and may continue at 8:30 a.m., December 7, 2007. This item may not be considered until December 7, 2007. Please consult the agenda for the meeting, which will be available at least 10 days before December 6, 2007, to determine the location and day on which this item will be considered.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette or computer disk. Please contact ARB's Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at (916) 323-7053.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Section Affected: Proposed adoption of new section 2027, title 13, California Code of Regulations (CCR).

Background

Over 90 percent of Californians breathe unhealthful air at times. To improve air quality and human health, ARB establishes requirements to reduce emissions from new and in-use on-road and off-road vehicles, engines, and other sources. Over the past 30 years, as part of ARB's mission to address air pollution in the state, the Board has adopted a series of regulations requiring manufacturers of new motor vehicles and engines to meet ever more stringent emission standards.¹ Along with the U.S. Environmental Protection Agency (U.S. EPA), ARB has most recently adopted new emission standards for 2007 model year heavy-duty engines² that reduce particulate matter (PM) emissions by 90 percent compared to pre-2007 emission standard engines and emission standards for 2010 model year heavy-duty engines that reduce oxides of nitrogen (NOx) emissions by 90 percent compared to pre-2007 emission standard engines.³ However, at the ports and

intermodal rail yard facilities, drayage trucks are typically not new, but are older and more polluting. Some of the trucks in operation at these locations are more than 20 years old. Because of the slow turnover in these vehicles and the high risk associated with diesel PM emissions, ARB staff is proposing that emissions from in-use drayage trucks that operate at California's ports and intermodal rail yards be reduced.

Control of Toxic Air Contaminants and Criteria Pollutants

The California Toxic Air Contaminant Identification and Control Program (Air Toxics Program), established under California law by Assembly Bill 1807 (Stats. 1983, ch. 1047) and set forth in Health and Safety Code (HSC) sections 39650 through 39675, requires ARB to identify and control air toxic air contaminants (TACs) in California. The identification phase of the Air Toxics Program requires ARB, with participation of other state agencies, such as the Office of Environmental Health Hazard Assessment, to evaluate the health impacts of and exposure to substances, and to identify those substances that pose the greatest health threat as toxic air contaminants. The ARB's evaluation is made available to the public and is formally reviewed by the Scientific Review Panel (SRP) established under HSC section 39670. Following ARB's evaluation and the SRP's review, the Board, pursuant to section 39662, may formally identify a TAC at a public hearing. Following identification, HSC sections 39658, 39665, and 39666 require ARB, with participation of the air pollution control and air quality management districts (districts), and in consultation with affected sources and interested parties, to prepare a report on the need and appropriate degree of regulation for that substance (a "needs assessment") and to adopt airborne toxic control measures (ATCMs) for nonvehicular sources. Based on its determination under section 39662 and pursuant to HSC section 39667, ARB is responsible for considering and adopting emission standards and other ATCMs for vehicular sources to achieve the maximum possible reductions in public exposure to TACs.

In 1998, the Board identified diesel PM as a TAC with no Board-specified threshold exposure level. A needs assessment for diesel PM was conducted between 1998 and 2000, which resulted in ARB staff developing and the Board approving a Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (Diesel RRP) in 2000. The Diesel RRP presented information that identified the available options for reducing diesel PM and recommended control measures to achieve further reductions. The scope of the Diesel RRP was broad, addressing all categories of engines, both mobile and stationary, including those covered by the proposed regulation. The ultimate goal

¹ Title 13, California Code of Regulations (CCR), chapter 1, article 2, sections 1950 et seq.

² Engines equipped on heavy-duty vehicles having a gross vehicle weight rating over 14000 pounds

³ Title 13, CCR, section 1956.8.

of the Diesel RRP is to reduce California's diesel PM emissions and associated cancer risks from 2000 baseline levels by 85 percent by 2020.

HSC sections 43013, and 43018 further direct ARB to adopt standards and regulations that the Board has found to be necessary, cost-effective, and technologically feasible to achieve emission reductions of identified criteria pollutants that affect the State's health and welfare from various new and in-use mobile source categories.

The purpose of this proposed regulatory action is to reduce emissions of diesel PM and NOx. Diesel PM emission reductions are needed to reduce the potential cancer risk and other adverse effects from PM exposure to people who live in the vicinity of California's ports, intermodal rail yards, and nearby roadways. Reductions in diesel PM and NOx (which forms "secondary" nitrate PM in the atmosphere) will also contribute to regional PM reductions that will assist in California's progress toward achieving State and federal air quality standards. Reductions in NOx, an ingredient in the formation of ozone pollution, will also help reduce regional ozone levels.

Diesel engines on drayage trucks are a significant source of diesel PM and NOx emissions in California. The proposed regulation would provide needed diesel PM emission reductions in 2010 and NOx reductions in 2014 throughout California after full regulatory implementation. These emission reductions would occur in areas near ports and intermodal rail yards, many of which are designated non-attainment for the State and federal ambient air quality standards for PM₁₀, PM_{2.5} and ozone.

Attainment of Ambient Air Quality Standards

The federal Clean Air Act (CAA) requires U.S. EPA to establish National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health, including fine particulate matter (PM_{2.5}) and ozone. Set to protect public health, the NAAQS are adopted based on a review of health studies by experts and a public process. Ambient PM_{2.5} is associated with premature mortality, aggravation of respiratory and cardiovascular disease, asthma exacerbation, chronic and acute bronchitis and reductions in lung function. Ozone is a powerful oxidant. Exposure to ozone can result in reduced lung function, increased respiratory symptoms, increased airway hyper-reactivity, and increased airway inflammation. Exposure to ozone is also associated with premature death, hospitalization for cardiopulmonary causes, and emergency room visits for asthma.

Areas in the State that exceed the NAAQS are required by federal law to develop State Implementation Plans (SIPs) describing how they will attain the

NAAQS by certain deadlines. The NOx emission reductions are needed because NOx leads to formation in the atmosphere of both ozone and PM_{2.5}; diesel PM emission reductions are needed because diesel PM contributes to ambient concentrations of PM_{2.5}.

The South Coast Air Quality Management District (SCAQMD) and the San Joaquin Valley Air Pollution Control District (SJVAPCD) are designated as nonattainment of both the federal 8-hour ozone and federal PM_{2.5} NAAQS. In order to demonstrate that the necessary emission control programs are in place, the U.S. EPA requires that all necessary emission reductions be achieved by 2014 for PM_{2.5} and 2023 for ozone.

In both the South Coast and San Joaquin Valley air basins, air quality modeling indicates that significant reductions of NOx are crucial to help meet the federal standards. For example, at this time, the strategy to achieve attainment of the PM_{2.5} standards in the South Coast Air Basin includes staff estimates that a 55 percent reduction in NOx emissions from 2006 levels (i.e., a total reduction of hundreds of tons per day) and a 15 percent reduction in direct PM_{2.5} emissions from 2006 baseline levels will be necessary for attainment of the PM_{2.5} standards in the South Coast Air Basin. The NOx emission reductions from the proposed regulation would play an essential role in assisting the South Coast Air Basin with meeting its 2014 PM_{2.5} deadline as well as its future ozone deadlines.

The federal CAA permits states to adopt more protective air quality standards if needed, and California has set standards for particulate matter and ozone that are more protective of public health than respective federal standards. The Bay Area, South Coast, San Joaquin Valley, and San Diego areas are nonattainment for the State standards for ozone and PM_{2.5}. HSC section 40911 requires the local air districts to submit plans to the Board for attaining the State ambient air quality standards, and HSC section 40924 requires triennial updates of those plans. The NOx and PM_{2.5} emission reductions from the proposed regulation will assist the local air districts in achieving attainment of the State ambient air quality standards.

Control of Emissions from Goods Movement-Related Activities

In April 2006, the Board approved the *Emission Reduction Plan for the Ports and Goods Movement in California*. The plan identifies strategies for reducing emissions created from the movement of goods through California ports and into other regions of the State. The Emission Reduction Plan is part of the broader Goods Movement Action Plan (GMAP) being jointly carried out by the California Environmental Protection Agency and the Business, Transportation, and Housing Agency. Phase I of the GMAP was released in September 2005

and highlighted the air pollution impacts of goods movement and the urgent need to mitigate localized health risk in affected communities. The final GMAP was released in January 2007 and includes a framework that identifies the key contributors to goods movement-related emissions.

The Emission Reduction Plan identifies numerous strategies for reducing emissions from all significant emission sources involved in goods movement, including oceangoing vessels, harbor craft, cargo handling equipment, locomotives, and trucks. The Plan identifies several strategies for reducing emissions from drayage trucks. The Plan establishes emission reduction goals for drayage trucks including modernizing (replacing and/or retrofitting) port trucks, implementing CA/US 2007 truck emission standards, and restricting entry of trucks new to port service unless equipped with diesel PM controls. The proposed regulation would represent a significant first step toward satisfying the Emission Reduction Plan goals by requiring the replacement and/or retrofit of trucks to meet newer more stringent emissions requirements.

The California Global Warming Solutions Act of 2006

The California Global Warming Solutions Act of 2006 established requirements for the first-in-the-world comprehensive program of regulatory and market mechanisms to achieve real, quantifiable, cost-effective reductions of greenhouse gases (GHG).⁴ The legislation gave ARB responsibility for monitoring and reducing GHG emissions. The statute requires ARB to adopt regulations and other requirements that would reduce by 2020 statewide GHG to the equivalent of 1990 levels.

Some actions required by the proposed regulation may result in slightly increased carbon dioxide (CO₂) for some applications. This may occur, for example, if truck owners choose to comply with the regulations by using exhaust treatment technologies that could potentially decrease a vehicle's fuel economy or increase the weight of the vehicle. However, other actions in the proposed regulation would likely offset this effect. For instance, the accelerated phase in of newer engines, which employ modern, less polluting technologies, should reduce GHG emissions from each new engine relative to the older, in-use engines. In addition, the proposed regulation would reduce emissions of black carbon (a component of diesel PM and a likely contributor to global warming), which would further offset the

minor increases in CO₂ emissions that may occur in some applications. Thus, staff expects the proposed regulations to have an overall negligible effect on global warming.

Authority

The ARB has authority under California law to adopt the proposed regulation. Health and Safety Code sections 39650 through 39675, 43013(b), 43018 and 43600 provide broad authority for ARB to adopt emission standards and other regulations to reduce toxic and criteria air pollutant emissions from new and in-use vehicular, nonvehicular and other mobile sources.

Emission Reductions and Public Health Benefits Projected

The proposed regulation is expected to significantly reduce emissions of diesel PM from drayage trucks operated at California ports and intermodal rail yard facilities. Diesel PM emission reductions are needed to reduce premature mortality, cancer risk, and other adverse impacts from exposure to this TAC. The proposal would help achieve the 2020 goal set forth in the 2000 Diesel RRP of reducing diesel PM by 85 percent from 2000 baseline levels and the 2020 goals of the GMREP of reducing diesel PM by 88 percent. The proposed regulation would also reduce NO_x emissions that contribute to exceedances throughout the State of ambient air quality standards for both PM_{2.5} and ozone. These reductions will assist California in its goal of achieving state and federal air quality standards. Additionally, these emission reductions would occur in areas along the ports, intermodal rail yards, and nearby roadways where environmental justice concerns are especially prevalent.

The diesel PM and NO_x emission reductions from the proposal are expected to reduce the number of people exposed to an increased cancer risk surrounding California's ports and intermodal rail yards, and especially near the Los Angeles/Long Beach Ports. Statewide, the emission reductions would significantly reduce premature deaths and cases of asthma-related and other lower respiratory symptoms by the year 2020, as well as other health benefits.

In contrast to the diesel PM and NO_x reductions, staff is not projecting significant reductions in oxides of sulfur (SO_x) from the proposed action. Currently, all diesel fuel sold to on-road vehicles is required to meet ARB's on-road diesel specifications (CARB diesel). These specifications help reduce SO_x emissions, among other pollutants.

Staff Report and Further Information

As described in more detail below, ARB staff has prepared two documents as part of this rulemaking, a Staff Report and a Technical Support Document. Together with the needs assessment (i.e., the Diesel RRP), these

⁴ Established under California law by Assembly Bill 32 (Stats. 2006, ch. 488) and set forth in HSC § 38500 et seq. Greenhouse gases are those that tend to increase average global temperatures through absorption of infrared radiation or other mechanisms. These include, but are not limited to, carbon dioxide (CO₂) and methane (CH₄).

two documents serve as the report on the need and appropriate degree of regulation for drayage trucks operating at California's ports and intermodal rail yards.

Description of the Proposed Regulatory Action

Under the approach proposed by staff, the Board would adopt a regulation, pursuant to its authority under the HSC, which would apply to the emissions from diesel engines on drayage trucks operating at any of California's ports and intermodal rail yards (as defined in the proposal).

Applicability

The proposed regulation applies to any person who owns or operates a diesel-fueled drayage truck that operates at California ports and/or intermodal rail yards within 80 miles of ports. In addition to owners and operators of drayage trucks that operate at ports and intermodal rail yard facilities, the proposed regulation would also establish requirements for port and rail authorities, port terminal operators, intermodal rail yards, motor carriers, and potentially other businesses located on port and rail yard property.

Exemptions

The proposed regulation includes a number of exemptions. The proposal does not apply to dedicated trucks of uni-body design, emergency vehicles, military tactical or combat support vehicles, and yard trucks. Additionally, the proposed regulation would also grant the ARB Executive Officer the ability to authorize an emergency decree that allows non-compliant vehicles into the ports and rail yards in the event of natural emergencies. The proposed regulation would also give the ARB Executive Officer the ability to grant exemptions for ports, providing certain requirements are met (i.e. areas such as marine estuaries that have no truck traffic, and ports where the overwhelming amount of traffic comes from exempted drayage trucks).

Emission Limits for Drayage Trucks

The regulation would set requirements in two phases for drayage trucks that operate at California ports and intermodal rail yards located within 80 miles of ports. By December 31, 2009, Phase 1 of the emission limits would achieve substantial near-term PM reductions to reduce adverse health affects in nearby local communities. Phase 2 of the limits would achieve additional emission reductions by December 31, 2013 that are necessary for the State to meet its SIP commitments in federal non-attainment areas.

In general, to continue to operate at ports and intermodal rail yards, drayage trucks would have to meet more stringent emission standards by December 31, 2009. By that date, all drayage trucks operating at the ports or intermodal rail yards would be required to either be equipped with a 1994–2003 model-year engine

certified to California or federal emission standards and have a level 3 ARB verified emission control device strategy (VDECS) — a device that achieves diesel PM emission reductions of at least 85 percent — or with a 2004 or newer model-year engine certified to California or federal emission standards. By December 31, 2013, drayage trucks equipped with a 1994–2003 model year engine would have to be repowered, replaced, or retrofitted to meet or exceed the 2007 model year California or federal emission standards. To meet the State's SIP commitments, the Board may consider additional PM and NOx emission reduction requirements for 2004–2006 model-year engine equipped trucks. For example, the Board could decide that all trucks used in drayage service meet or exceed 2007 model-year California or federal emission standards.

While the proposal specifies compliance requirements and deadlines for regulated engines, it does not require specific control technologies or methods that owners and operators would be required to use to achieve compliance — i.e., prescriptive requirements that promote the development of alternative compliance strategies and technologies. The Board may decide that prescriptive measures are necessary.

Compliance Extensions

Staff has identified instances where no PM reduction technology is currently verified by ARB for certain model-year truck and engine combinations. To allow time for the development of PM reduction technologies, staff designed a one-year, one-time extension to the Phase 1 December 31, 2009 compliance deadline that could be used by truck owners of affected vehicles. The proposed regulation would allow owners and operators to apply to ARB for an extension of the Phase 1 compliance deadline and, if approved by ARB, they would be granted an extension until December 31, 2010 for compliance. If the December 31, 2010 deadline subsequently arrives and there is still no verified technology available, the truck owner would have to comply by other means — most likely engine repower or truck replacement.

Motor Carriers

The regulation would require motor carriers, among other things, to dispatch only compliant drayage trucks to the ports and rail yards. Motor carriers would also be required to provide a copy of the regulation to each drayage truck owner, check that the truck is registered in the Drayage Truck Registry (DTR), ensure the truck driver has motor carrier contact information, and keep detailed dispatch records. Motor carriers would be required to keep the dispatch records for at least five years and provide copies to enforcement personnel upon request. If determined necessary, the Board may consider additional or alternative requirements for motor carriers.

ers to better effectuate the purposes and enforcement of the regulation.

Monitoring, Reporting, and Recordkeeping

The proposed regulation includes reporting and recordkeeping requirements for motor carriers, port terminals, intermodal rail yard facilities, port and rail authorities, and truck owners. Motor carriers would be required to keep dispatch records for five years and terminals and rail yards would be required to keep records of non-compliant trucks entering their facilities for a similar five-year period. The proposed regulation would also require truck owners to register their vehicles in the DTR and keep emission control retrofit maintenance records. Additionally, port and rail yard authorities would be required to summarize non-compliant truck data gathered by the terminals and rail yards and report the results to the ARB. Finally, for enforcement purposes, motor carriers, port terminals, and intermodal rail yards would be required to provide access to ARB employees or officers upon request. If determined necessary, the Board may consider additional or alternative monitoring, reporting and recordkeeping requirements to better effectuate the purposes and enforcement of the regulation.

Drayage Truck Registry

Owners of drayage trucks that operate at ports and intermodal rail yards before September 30, 2009, and who intend to continue such operation after that date would be required to register those trucks in the DTR, as administered by ARB, and affix a DTR compliance label to each truck. After September 30, 2009, a drayage truck that has previously not operated at a port or intermodal rail yard would be required to register in the DTR and have a compliance label affixed before it could commence operations. Using information provided by drayage truck owners, the DTR would record and house pertinent information for each truck, including make, model, engine model year, compliance status of each truck, and owner contact information. After all required information is provided to the DTR, it would issue compliance labels to the drayage truck owners. The compliance label would be used by terminals and rail yards — and ultimately, by enforcement personnel — to determine compliance status. It would also be used by ARB as an outreach tool.

Right of Entry and Violations

The proposal provides that ARB shall have the right of entry to facilities of port terminals, intermodal rail yards, and motor carriers for purposes of inspection and enforcement. It further provides that any violation of the requirements or other provisions would subject the person or business who committed the violation to the penalties, injunctive relief, and other remedies avail-

able under applicable provisions of the Health and Safety Code.

Severability

This proposed regulation provides that if any part of the regulation is held to be invalid, the remainder of the regulation would continue to be effective.

COMPARABLE FEDERAL REGULATIONS

Pursuant to its authority under CAA section 202(a), U.S. EPA has established emission standards for new diesel, alternative fuel, and gasoline on-road heavy-duty engines. (See Title 40, Code of Federal Regulations, Part 86.) U.S. EPA, however, does not have authority to establish emission standards for in-use on-road motor vehicles. Although California must obtain a waiver of federal preemption under CAA section 209(b) before implementing new engine emission standards for new motor vehicles sold in California, no federal preemption exists for requirements regarding in-use motor vehicles and engines adopted by the State.

AVAILABILITY OF DOCUMENTS AND
AGENCY CONTACT PERSONS

As noted above, the Board staff has prepared two documents for the proposed regulatory action: a Staff Report, which includes a summary of the economic and environmental impacts of the proposal, and a Technical Support Document, which describes the basis of the proposed action in more detail. The Staff Report is entitled, "Staff Report: Initial Statement of Reasons for the Proposed Rulemaking — Regulation to Control Emissions from In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks." The Technical Support Document is entitled, "Technical Support Document: Technical Support for the Proposed Rulemaking — Regulation to Control Emissions from In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks."

Copies of the Staff Report with the full text of the proposed regulatory language and the Technical Support Document may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on December 6, 2007.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency

contact person, Michael Miguel, Manager of the Project Support Section, at (916) 445-4236, or by email at mmiguel@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Alexa Malik, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-4011, and Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the Staff Report, Technical Support Document, and all subsequent regulatory documents, including the FSOR, when completed, are also available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/2007/drayage07/drayage07.htm

IMPACTS TO PUBLIC AGENCIES AND TO REPRESENTATIVE BUSINESSES AND PRIVATE PERSONS

Impacts to Businesses and Private Individuals

Pursuant to Government Code section 11346.5(a)(9), the Board's Executive Officer has determined that the proposed regulation could have an adverse economic impact to representative businesses and private persons.

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

The total regulation cost results from the early retirement or replacement of drayage trucks, the addition of VDECS, and the meeting of reporting and recordkeeping requirements. These costs are the estimated out-of-pocket costs to truck owners, which could include lost wages while a truck is unavailable awaiting purchase or retrofit. Truck owner costs could be substantial and could directly affect their ability to continue drayage operations at California's ports and intermodal rail yards. A detailed economic analysis is provided in the Staff Report and Technical Support Document. Additionally, motor carriers, port and rail authorities, terminal operators, and rail yard operators would incur annual recordkeeping and reporting compliance costs associated with increased labor wages.

California businesses may be affected by the proposed annual cost of the regulation to the extent that the implementation of the proposed regulation reduces their profitability. Staff evaluated the economic impact

of complying with the requirements of the proposed regulation on California's economy using the E-DRAM model. The results of this analysis indicate that the impacts of the proposed regulation would be small compared to the growth that is expected to occur in California.

Based on the modeling, the Executive Officer has made an initial determination that the proposed regulatory action may have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. While the Executive Officer does not believe that the added costs of the proposed regulations are high enough for terminal operators or rail yard operators to consider alternate ports or rail yards outside of California, a number of businesses are integrally linked to California ports and intermodal rail yards and these businesses may be adversely affected, as explained below. The ARB staff has considered proposed alternatives that would lessen any adverse economic impact on businesses and invites you to submit proposals. Submissions may include the following approaches for consideration:

- (i) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) Use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

Alternatives that staff considered are described in more detail in the Staff Report and the Technical Supporting Document.

In accordance with Government Code sections 11346.3 and 11346.5(a)(10), the Executive Officer has determined that the proposed regulatory action may affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. Some businesses that provide used trucks or the manufacture and installation of emission retrofit controls could expand due to the volume of business created by the regulatory requirements.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action would affect small businesses.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regula-

tions which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

In accordance with HSC sections 43013(a) and (b), the Executive Officer has determined that the standards and other requirements in the proposed regulations are necessary, cost-effective, and technologically feasible for diesel engines on drayage trucks operated at California's ports and intermodal rail yards.

Before taking final action on the proposed regulatory action, the Board must determine, pursuant to Government Code section 11346.5(a)(13), that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Costs to Local and State Government Agencies

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create significant costs to State and local agencies or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of Government Code, or other nondiscretionary cost or savings to state or local agencies. The State and local agencies affected are the port authorities which are responsible for collecting and relaying data to the ARB. ARB Staff estimates these costs are the same costs that would be applied to other similarly situated stakeholders in the private sector and would be minor and able to be absorbed under existing budgets.

A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

SUBMITTAL OF COMMENTS

Interested members of the public may also present comments orally or in writing at the meeting, and in writing or by e-mail before the meeting. To be considered by the Board, written comments submissions not physically submitted at the meeting must be received **no later than 12:00 noon, Pacific Standard Time, December 5, 2007**, and addressed to the following:

Postal mail: Clerk of the Board, Air
Resources Board
1001 I Street, Sacramento,
California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Government Code section 6250 et seq.), written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and other search engines.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted to ARB in Health and Safety Code sections 39600, 39601, 39650, 39658, 39659, 39665, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, and 43701. This action is proposed to implement, interpret, or make specific Health and Safety Code sections 39600, 39601, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, and 43600.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

TITLES 13 AND 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED REGULATIONS TO REDUCE EMISSIONS FROM DIESEL AUXILIARY ENGINES ON OCEAN-GOING VESSELS WHILE AT BERTH AT A CALIFORNIA PORT

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of regulations to reduce emissions of diesel particulate matter (PM) and oxides of nitrogen (NOx) from the use of diesel-fueled auxiliary engines aboard ocean-going ships while docked, or hotted, at a California port. Auxiliary engines are run to power lighting, ventilation, pumps, communication, and other onboard equipment while a ship is docked at a berth. The proposed regulations would require some vessels to turn off their auxiliary engines; it is expected, but not required, that many of those vessels would then receive their electrical power from shore while at berth. The regulations will also reduce emissions of carbon dioxide (CO₂), a greenhouse gas that is responsible for much of the global climate change.

Any person who owns, operates, charters, rents, or leases any container ship, passenger ship, or refrigerated cargo ship that visits a California port, or any person who owns or operates a port or terminal located at a port where container, passenger, or refrigerated cargo ships visit, would be subject to and have responsibilities under this regulation. This notice summarizes the proposed regulations. The Staff Report and Technical Support Document present the regulation and information supporting the adoption of the regulation in greater detail.

DATE: December 6, 2007

TIME: 9:00 a.m.

PLACE: Air Resources Board
Auditorium
9530 Telstar Avenue
El Monte, California 91731

This meeting location may change. This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., December 6, 2007, and may continue at 8:30 a.m., December 7, 2007. This item may not be considered until December 7, 2007. Please consult the agenda for the meeting, which will be available at least 10 days before December 6, 2007, to determine the location and day on which this item will be considered.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette or computer disk. Please contact ARB's Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at (916) 323-7053.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of new section 2299.3, title 13, California Code of Regulations (CCR) and new section 93118.3, title 17, CCR. The following documents would be incorporated in the regulations by reference: (1) "Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines," 13 CCR 2700 et seq.; (2) 40 Code of Federal Regulations (CFR) Part 94, "Control of Emissions from Marine Compression-Ignition Engines"; (3) Annex VI of the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78); (4) ARB Method 100 — Procedures for Continuous Gaseous Emission Stack Sampling," 17 CCR 94114; (5) International Standard ISO 8178-1(E):1996, "Reciprocating Internal Combustion Engines — Exhaust Emission Measurement — Part 1: Test-Bed Measurement of Gaseous and Particulate Exhaust Emissions"; (6) International Standard ISO 8178-2(E):1996, "Reciprocating Internal Combustion Engines — Exhaust Emission Measurement Part 2: Measurement of Gaseous and Particulate Exhaust Emissions at Site"; (7) International Standard ISO 8178-4(E):1996, "Reciprocating Internal Combustion Engines — Exhaust Emission Measurement — Part 4: Test Cycles for Different Engine Applications"; (8) Bay Area Air Quality Management District Source Test Procedure ST-1B, "Ammonia Integrated Sampling," dated January 1982; (9) International Standard ISO 8754:2003(E), "Petroleum Products — Determination of Sulfur Content — Energy-Dispersive X-Ray Fluorescence Spectrometry," Second Edition, 2003-07-15; and (10) United States Department of Homeland Security, Bureau of Customs and Border Protection, "Vessel Entrance or Clearance Statement," CBP Form 1300 (v. 02/02), 19 CFR Part 4.

Background

Over 90 percent of Californians breathe unhealthful air at times. To improve air quality and human health, ARB establishes requirements to reduce emissions from new and in-use on-road and off-road vehicles, engines, and other sources. To reduce emissions from

marine vessels, which are considered to be off-road sources,¹ ARB adopted a series of regulations since 2004 that (1) require diesel fuel sold for use in harbor craft comply with ARB diesel specifications² and, (2) require ocean-going vessels with diesel auxiliary engines to comply with specified diesel fuel and other requirements while operating in Regulated California Waters.³ Although the latter regulation will reduce air pollution from marine auxiliary engines while in port, significant opportunities exist to further reduce emissions from ocean-going vessels docked at California ports. Ships can be docked at a California port from several hours to several days.

Control of Criteria Air Pollutants

Health and Safety Code (HSC) sections 43013 and 43018 direct ARB to adopt standards and regulations that the Board has found to be necessary, cost-effective, and technologically feasible for various mobile source categories, including off-road diesel engines and equipment such as marine vessels, through the setting of emission control requirements. Specifically, HSC section 43013(b) directs ARB to adopt such standards and regulations for marine vessels to the extent permitted by federal law.

Control of Toxic Air Contaminants

The California Toxic Air Contaminant Identification and Control Program (Air Toxics Program), established under California law by Assembly Bill 1807 (Stats. 1983, ch. 1047) and set forth in HSC sections 39650 through 39675, requires ARB to identify and control air toxics in California. The identification phase of the Air Toxics Program requires ARB, with participation of other state agencies such as the Office of Environmental Health Hazard Assessment, to evaluate the health impacts of, and exposure to substances, and to identify those substances that pose the greatest health threat as toxic air contaminants (TACs). ARB's evaluation is made available to the public and is formally reviewed by the Scientific Review Panel (SRP) established under HSC section 39670. Following ARB's evaluation and the SRP's review, the Board may formally identify a TAC at a public hearing. Following identification, HSC sections 39658, 39665, and 39666 require ARB, with participation of the air pollution control and air quality management districts (districts), and in consultation with affected sources and interested parties, to prepare a report on the need and appropriate degree of regulation

for that substance (a "needs assessment") and to adopt airborne toxic control measures (ATCMs).

In 1998, the Board identified diesel PM as a TAC with no Board-specified threshold exposure level. A needs assessment for diesel PM was conducted between 1998 and 2000, which resulted in ARB staff developing and the Board approving a Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (Diesel RRP) in 2000. The Diesel RRP presented information that identified the available options for reducing diesel PM and recommended control measures to achieve further reductions. The scope of the Diesel RRP was broad, addressing all categories of engines, both mobile and stationary, and included control measures for off-road diesel engines, such as those covered by the proposed regulation. The ultimate goal of the Diesel RRP is to reduce California's diesel PM emissions and associated cancer risks from 2000 baseline levels by 85 percent by 2020. The proposed regulation would reduce diesel PM emissions and the local health impacts from ships docked in California's ports and would assist the Board with meeting the 2020 Diesel RRP goal.

Attainment of Ambient Air Quality Standards

The federal Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (U.S. EPA) to establish National Ambient Air Quality Standards (National Standards) for pollutants considered harmful to public health, including fine particulate matter (PM_{2.5}) and ozone. Set to protect public health, the national standards are adopted based on a review of health studies by experts and a public process. Ambient PM_{2.5} is associated with premature mortality, aggravation of respiratory and cardiovascular disease, asthma exacerbation, chronic and acute bronchitis and reductions in lung function. Ozone is a powerful oxidant. Exposure to ozone can result in reduced lung function, increased respiratory symptoms, increased airway hyper-reactivity, and increased airway inflammation. Exposure to ozone is also associated with premature death, hospitalization for cardiopulmonary causes, and emergency room visits for asthma.

Areas in the State that exceed the national standards are required by federal law to develop State Implementation Plans (SIPs) describing how they will attain the standards by certain deadlines. The NO_x emission reductions are needed because NO_x leads to formation in the atmosphere of both ozone and PM_{2.5}; diesel PM emission reductions are needed because diesel PM contributes to ambient concentrations of PM_{2.5}. At this time, the South Coast Air Basin is required to attain the PM_{2.5} standard by 2015. U.S. EPA further requires that all necessary emission reductions be achieved one cal-

¹ The California term "off-road" and the federal term "nonroad" refer to the same sources and are used interchangeably.

² ARB's fuel standards for harbor craft are codified at title 13, CCR, section 2299.

³ ARB's fuel standards and other requirements for diesel auxiliary engines on ocean-going vessels are codified at title 13, CCR, section 2299.1 and title 17, CCR, section 93118.

endar year sooner — by 2014 — in recognition of the annual average form of the standard.

The ARB has adopted revisions to the ozone and PM_{2.5} SIPs and, as part of that action, will request from U.S. EPA a reclassification of the Basin to “extreme” nonattainment for ozone, which will give the Basin until 2023 to attain the federal ozone standard. ARB will submit the SIPs to the U.S. EPA by the applicable due dates within the next year.

Air quality modeling indicates that significant reductions of NO_x are crucial to help meet both these standards. At this time, the strategy to achieve attainment of the PM_{2.5} standards in the South Coast Air Basin includes a 55 percent reduction in NO_x emissions and a 15 percent reduction in direct PM_{2.5} emissions from 2006 baseline levels. The NO_x emission reductions from the proposed regulation would play an essential role in assisting the South Coast Air Basin with meeting its 2014 PM_{2.5} deadline as well as its future ozone deadlines.

The federal CAA permits states to adopt more protective air quality standards if needed, and California has set standards for particulate matter and ozone that are more protective of public health than respective federal standards. The Bay Area, South Coast, and San Diego areas are nonattainment for the State standards for ozone and PM_{2.5}. Health and Safety Code section 40911 requires the local air districts to submit plans to the Board for attaining the State ambient air quality standards, and HSC section 40924 requires triennial updates of those plans. The NO_x and PM_{2.5} emission reductions from the proposed regulation will assist the local air districts in achieving attainment of the State ambient air quality standards.

Control of Emissions from Goods Movement–Related Activities

In April 2006, the Board approved the *Emission Reduction Plan for the Ports and Goods Movement in California* (GMERP). The GMERP identifies strategies for reducing emissions created from the movement of goods through California ports and into other regions of the State. The GMERP is part of the broader Goods Movement Action Plan (GMAP) being jointly carried out by the California Environmental Protection Agency and the Business, Transportation, and Housing Agency. Phase I of the GMAP was released in September 2005 and highlighted the air pollution impacts of goods movement and the urgent need to mitigate localized health risk in affected communities. The final GMAP was released in January 2007 and includes a framework that identifies the key contributors to goods movement–related emissions.

The GMERP identifies numerous strategies for reducing emissions from all significant emission sources

involved in goods movement, including ocean–going vessels, harbor craft, cargo handling equipment, locomotives, and trucks. The GMERP identifies several strategies for reducing emissions from ocean–going vessels. Specific to hotelling emissions, the GMERP establishes a goal of utilizing shore power for 20 percent of the ship visits to California ports by 2010, 60 percent of visits by 2015, and 80 percent of visits by 2020. The proposed regulation would represent a significant first step toward satisfying the GMERP goals by requiring specific vessel types to use shore power for 50 percent of a fleet’s visits to a port by 2014 and 80 percent of visits by 2020. Furthermore, emission reductions would begin in 2010 for vessel owners or operators choosing an alternative emission control technology to reduce their hotelling emissions.

The California Global Warming Solutions Act of 2006

In June 2005, Governor Arnold Schwarzenegger signed Executive Order S–3–05, which established targets for reducing GHG emissions in California: roll back GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and finally to 80 percent below 1990 levels by 2050. In 2006, the Governor signed Assembly Bill (AB) 32 (Stats. 2006, ch. 488), which established the 2020 GHG emission reduction goal in State law (set forth in HSC §38500 et seq.) and made the ARB responsible for monitoring and reducing GHG emissions. AB 32 requires the Board, by January 1, 2009, to design and adopt an overall plan to reduce GHG emissions to 1990 levels by 2020. The Board has until January 1, 2011, to adopt the necessary regulations to implement that plan. Implementation begins no later than January 1, 2012, and the emission reduction target must be fully achieved by January 1, 2020. AB 32 also required the Board to identify a list of discrete early action GHG reduction measures by June 30, 2007. AB 32 defines discrete early action measures as regulations that are to be adopted by the Board and be enforceable by January 1, 2010.

In April 2007, ARB staff released a report identifying 37 proposed early action items the Board could undertake to mitigate GHG emissions in California. Port electrification was identified as a GHG emission reduction measure in this report. In September 2007, ARB staff recommended reclassifying port electrification (now called Green Ports) from an early action measure to a discrete early action measure. Staff’s recommended reclassifications will be considered by the Board at its October 25, 2007 hearing. The proposed regulation, while reducing diesel PM and NO_x emissions, would also result in significant reductions of CO₂ emissions as a co-benefit of requiring cleaner grid-supplied electrical generation for ocean–going vessels while docked.

These CO₂ emission reductions will help California meet its 2020 greenhouse gas emission reduction goal.

Authority

The ARB has authority under California law to adopt the proposed regulations. Health and Safety Code sections 43013(b) and 43018 provide broad authority for ARB to adopt emission standards and other regulations to reduce emissions from new and in-use vehicular, nonvehicular and other mobile sources. Under HSC sections 43013(b) and 43018, ARB is directly authorized to adopt emission standards and other regulations for marine vessels, as expeditiously as possible and to the extent permitted by federal law, to meet State standards. The ARB is further mandated by California law under HSC section 39666 to adopt ATCMs for new and in-use nonvehicular sources, including marine vessels such as ocean-going vessels, for identified TACs such as diesel PM. As noted, ARB is also mandated under HSC section 38500 et seq. to reduce greenhouse gas emissions, which are emitted at significant levels by ships hotelling at California ports.

Emission Reductions and Public Health Benefits Projected

The proposed regulations are expected to significantly reduce emissions of diesel PM from at-berth ocean-going vessels. Diesel PM emission reductions are needed to reduce premature mortality, cancer risk, and other adverse impacts from exposure to this TAC. The proposal would help achieve the 2020 goal set forth in the 2000 Diesel RRP of reducing diesel PM by 85 percent from 2000 baseline levels and the 2015 and 2020 goals of the GMAP. In December 2005, the Board adopted an auxiliary engine fuel regulation that will provide significant emission reductions from auxiliary engines on ocean-going vessels. The proposed regulations are expected to provide additional significant emission reduction benefits. Staff projects that, by 2020, the proposed regulation would reduce hotelling diesel PM and NO_x emissions from container ships, passenger ships, and refrigerated cargo ships by nearly 75 percent relative to levels expected to be emitted. These emission reductions will occur in areas at and near ports where environmental justice concerns are especially prevalent. In addition, hotelling CO₂ emissions are expected to be reduced by 136,000 to 269,000 metric tons in 2020, which will assist the State with meeting the AB 32 mandates for greenhouse gas reductions.

The proposed regulations would also reduce diesel PM and NO_x emissions that contribute to exceedances throughout the State of ambient air quality standards for both PM_{2.5} and ozone. These reductions will assist California in its goal of achieving State and federal air quality standards.

Furthermore, in addition to reducing cancer impacts caused by diesel PM, the proposed regulation will provide a significant reduction in non-cancer health impacts, including premature death, due to reductions in directly-emitted PM and the secondary formation of PM from NO_x.

Staff Report and Further Information

As described in more detail below, ARB staff has prepared two documents as part of this rulemaking, a Staff Report: Initial Statement of Reasons (Staff Report) and a Technical Support Document. Together with the needs assessment (i.e., the Diesel RRP), these two documents serve as the report on the need and appropriate degree of regulation for at-berth ocean-going vessels auxiliary engines.

Description of the Proposed Regulatory Action

Under the approach proposed by staff, the Board would adopt a regulation, pursuant to its authority under HSC sections 38500 et seq., 43013 and 43018, which would apply to the emissions from diesel engines on ocean-going ships while docked at a California port (as defined in the proposal). The Board would also approve adoption of essentially identical provisions as an ATCM, pursuant to its authority under HSC section 39666, which would complement the regulation and provide maximum notice to the regulated community of the regulatory requirements on ocean-going vessels. These measures will hereinafter sometimes be referred to collectively as “the proposed regulations.”

Applicability

The regulations would apply to any person who owns, operates, charters, rents, or leases any container ship, passenger ship, or refrigerated cargo ship that visits a California port, or any person who owns or operates a port or terminal located at a port where container, passenger, or refrigerated cargo (reefer) ships visit. These ports include Los Angeles, Long Beach, Oakland, San Diego, San Francisco, and Hueneme.

The regulations apply to both U.S.-flagged vessels and foreign-flagged vessels. Foreign-flagged vessels are vessels registered under the flag of a country other than the United States.

Exemptions

The proposed regulations contain general and specific exemptions. Under the general exemptions, vessels in “innocent passage”; vessels owned or operated by local, state, federal or foreign governments in government non-commercial service; steamships; and auxiliary engines using natural gas are exempt from the regulations in their entirety. A steamship is an ocean-going vessel whose primary propulsion and electrical power are provided by steam boilers. Further, there are particular exemptions from specified portions of the regula-

tions for emergency events and delays caused by federal agency inspections, as set forth in the proposal.

Limited Hours of Operation for Auxiliary Diesel Engines at Berth

The proposed regulations allow for two options to reduce hotelling emissions; ship operators can either shut down their auxiliary engines while in port (not including 3 or 5 permissible hours of total operation, as specified in the proposal), or they can reduce the emissions from those auxiliary engines by specified degrees while docked.

The “limited auxiliary engine operation” option in the proposed regulations requires that the operators of container ships, passenger ships, and reefers that visit California ports shut down their auxiliary engines for most of their stay while hotelling. Specifically, these auxiliary engines must be shut down for 50 percent of a fleet’s total visits to a California port in 2014 and 80 percent of the fleet’s total visits to a port in 2020. While auxiliary engines are shut down, the ship’s onboard electrical requirements would need to be satisfied by some other source of power. The source of electrical power used instead of the auxiliary engines must be provided either by the grid or by another power source with specific emissions standards.

Fleets that do not make a minimum number of annual visits to a California port are exempt from the auxiliary engine limitations for that port. The engine shutdown requirement is applied when there are 25 or more total annual visits by a container vessel fleet or reefer vessel fleet to a port. For passenger vessel fleets, this threshold is five annual visits. However, regardless of the number of annual visits, the regulations require a vessel to use shore power if it is equipped to do so, and it visits a berth equipped to provide compatible shore power.

As noted, to provide for sufficient time to connect and disconnect electrical lines for shore power, the proposed regulations allow the auxiliary engines to operate for up to three hours during a visit, or five hours during a visit for vessels that lose power during the process of switching power from the vessel’s auxiliary engines to shore power. This time period may be extended due to circumstances beyond the control of the vessel operators, such as emergency events or delays resulting from obligations imposed by federal agencies (for example, the Department of Homeland Security or the U.S. Coast Guard).

Emission Reduction Option

An alternative to the “limited auxiliary engine operation” approach is the “emissions reduction option”; operators choosing this option are required to reduce their auxiliary engine emissions at a port by specific amounts and by specific dates. The compliance dates vary based

on the types of emission reduction techniques applied to the fleets.

The emission reduction techniques that could be applied to a fleet include: 1) using selected vessels for grid-supplied power based on potential auxiliary engine emission reductions rather than fleet visit percentages; 2) using distributed generation equipment to provide power to a vessel; 3) using alternative emission controls onboard a vessel or at the berth; and 4) using a combination of these techniques.

For option 1, the emission reduction targets are aligned with the limited engine operation approach: the NOx and PM emissions from the fleet’s auxiliary engines at a port must be reduced by 50 percent from the baseline fleet emissions by 2014 and by 80 percent by 2020. For options 2 and 3, in which alternative control technologies are implemented, the NOx and PM emissions from the fleet’s auxiliary engines at a port must be reduced by 20 percent from the baseline fleet emissions by 2010, 40 percent by 2012, 60 percent by 2014, and 80 percent by 2016. For option 4, in which a combination of approaches is implemented, NOx and PM emissions must be reduced by 20 percent from the baseline fleet emissions by 2012, 50 percent by 2014, and 80 percent by 2020.

The proposed regulations provide default values for making the emission reduction calculation, including default values for emission factors and power requirements, in lieu of more specific values. In addition, the proposal provides procedures for determining control factors and applicable emission testing procedures.

Sources of electrical power, other than the grid, that are used to comply with the emission reduction option would be subject to additional requirements. Before January 1, 2014, distributed generation equipment must satisfy the emission standards applicable to a newly manufactured spark-ignited off-road engine. By January 1, 2014, all distributed generation must satisfy a more stringent emission standard that is equivalent to a spark-ignited engine using Best Available Control Technology (BACT). Finally, the source of electrical power must emit no more CO₂ (a greenhouse gas) emissions than a combined-cycle gas turbine — the emissions level that the California Public Utilities Commission recommended for unspecified sources of power.

Recordkeeping and Reporting Requirements

The proposed regulations have reporting and recordkeeping requirements affecting the vessel owners and operators, terminals, and ports.

The reporting and recordkeeping requirements for vessel owners or operators depend upon the compliance option selected by the vessel owner or operator and terminal. The proposed regulations require a vessel fleet plan to be submitted to the Executive Officer of the

ARB in the years prior to the fleet's regulatory compliance dates.

In addition to the vessel fleet plans, the proposal requires an annual statement of compliance to be submitted to the Executive Officer of the ARB certifying compliance with the regulatory requirements for the previous calendar year. As with the vessel fleet plans, the dates for the initial submittals depend upon the compliance option selected by the vessel owner or operator.

The recordkeeping and reporting requirements are simpler for the limited auxiliary engine use option because the vessel owner or operator choosing that option must track only those vessels that will comply with the 2014 and 2020 shore power requirements. The recordkeeping and reporting requirements for the emission reduction option are more significant because the vessel owner or operator choosing that option must track the emissions of each vessel in the fleet.

A terminal that receives more than 50 vessel visits in 2008 is required to submit a plan to ARB's Executive Officer by July 1, 2009, that identifies how the terminal will be upgraded to allow vessels to satisfy either the limited auxiliary engine operation option or the emissions reduction option. The terminal is also required to submit plan updates at a frequency dependant upon the control strategy selected by the vessel fleet owner or operator and the terminal.

The port is required to submit wharfinger data annually to ARB's Executive Officer, documenting when each vessel visits the port, the berth that the vessel visited, and the dates and times that the vessel was initially tied to the berth and subsequently released from the berth. In addition, the terminal operator is required to keep records of electricity usage for shore power and equipment breakdowns that affect a vessel's ability to comply with the limited auxiliary engine operation option or the emission reduction option.

Test Methods and Other Incorporated Documents

The proposal would incorporate by reference Parts 1, 2, and 4 of International Standard ISO 8178, as revised in 1996 by the International Organization for Standardization (ISO). This standard includes test methods for reciprocating internal combustion engines. Further, the proposal would incorporate by reference ISO 8754 (as adopted in 2003) for measuring the sulfur content of fuels used in auxiliary engines. The proposal would also incorporate by reference ARB's verification procedure requirements for diesel engine control measures as set forth in 13 CCR 2700 et seq. (June 2003), ARB's test method for NO_x and CO₂ emissions as set forth in 17 CCR 94114 (July 1997), and the Bay Area Air Quality Management District's source test procedure for ammonia slip, ST-1B, dated January 1982. The proposal would also incorporate U.S. EPA's regulations for com-

pression-ignition engines (40 CFR 94) and Annex VI of the 1973 International Convention for the Prevention of Pollution from Ships (as amended in 1978, also known as the MARPOL 73/78 Protocol); these would be incorporated to permit operators to submit engine test data measured pursuant to the federal regulation and international treaty, respectively.

Violations

The proposal specifies a violations provision that provides, among other things, that any violation of any part of the regulation would constitute a single, separate violation for each hour that the violation occurs. The exception to this would be for violations of the recordkeeping and reporting requirements; a violation of those provisions would constitute a single, separate violation for each day that the violation occurs.

Severability

The proposed regulation states that if any part of the regulation is held to be invalid, the remainder of the regulation shall continue to be effective.

At the hearing, the Board may consider other elements that provide additional flexibility to affected owners and operators. In addition, the Board may consider revisions to the staff's proposal that result in requirements that are more or less stringent to those whom the proposed regulation is applicable.

COMPARABLE FEDERAL REGULATIONS

No federal standards or control requirements have been promulgated addressing emission reductions from at-berth ocean-going vessel auxiliary engines. Under CAA section 213, U.S. EPA is without authority to adopt in-use standards for nonroad engines, including marine engines.

California is the only governmental entity in the United States authorized by the CAA, in the first instance, to adopt emission requirements for in-use off-road engines. See *Engine Manufacturers Association v. U.S. EPA* (D.C. Cir. 1996) 88 F.3d 1075, 1089-1091. Under CAA section 209(e)(2), California may adopt and enforce emission standards and other requirements for off-road engines and equipment not conclusively preempted by section 209(e)(1), so long as California applies for and receives authorization from the Administrator of U.S. EPA. To obtain authorization, the Board must make a finding that the California adopted requirements will be, in the aggregate, at least as protective of public health and welfare as applicable federal standards. CAA section 209(e)(2)(A). The Administrator must grant a request for authorization from California unless he finds that ARB's protectiveness finding is arbitrary and capricious, that California does not need the standards to meet compelling and extraor-

dinary conditions, or that the standards and accompanying enforcement procedures are not consistent with CAA section 209. *Ibid.*

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

As noted above, the Board staff has prepared two documents for the proposed regulatory action: a Staff Report, which includes a summary of the economic and environmental impacts of the proposal, and a Technical Support Document, which describes the basis of the proposed action in more detail. The Staff Report is entitled, "Staff Report: Initial Statement of Reasons for the Proposed Rulemaking — Regulations to Reduce Emissions from Diesel Auxiliary Engines on Ocean-Going Ships while At-Berth at a California Port." The Technical Support Document is entitled, "Technical Support Document: Technical Support for the Proposed Rulemaking — Regulations to Reduce Emissions from Diesel Auxiliary Engines on Ocean-Going Ships while At-Berth at a California Port."

Copies of the Staff Report with the full text of the proposed regulatory language and the Technical Support Document may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on December 6, 2007.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mike Waugh, Manager of the Project Assessment Section, at (916) 445-6018, or by email at mwaugh@arb.ca.gov, or Grant Chin, Staff Air Resources Engineer, at (916) 327-5602, or by email at gchin@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Alexa Malik, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-4011, and Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the Staff Report, Technical Support Document, and all subsequent regulatory documents, including the FSOR, when completed, are also available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/2007/shorepwr07/shorepwr07.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

Costs to Businesses and Private Individuals

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

While the proposal's engine shutdown requirement does not require vessels, ports, or terminals to install or modify any equipment, we anticipate vessel owners, operators, ports, and terminals will elect to install equipment that will allow vessels to use shore power while the auxiliary engines are shut down at berth. Assuming operators, ports, and terminals will make such investments, we estimate the total cost of regulatory compliance to be about \$1.8 billion in 2006 expenditure-equivalent dollars (2006 dollars). This represents the total cost of the regulation if all money required to comply with the proposed regulation were spent in 2006. This cost includes both capital and annual recurring costs. These costs would be spread over the years 2009 to 2020 for passenger ships and reefers and to 2030 for container ships. Two-thirds of this cost is the capital cost to add shore-power equipment to vessels. Annually, the costs are expected to vary from \$15 million to \$120 million. The total statewide annual costs to private business include recovery of capital expenditures, both aboard the ships and at the ports, and operating costs, which are labor costs and net energy costs, if any.

The total costs to a typical vessel operator complying with the proposed regulation, including capital costs, are estimated to be about \$34 million. This cost would be distributed over a 22-year period, from 2009 to 2030. About 40 percent of the cost is associated with modifying additional vessels to replace vessels that have been redeployed away from California ports. Annual costs would vary between \$700,000 and \$3 million per year, with the average cost of \$1.7 million per year over this time period.

Similarly, the total costs to a typical terminal operator complying with the proposed regulation, including capital and ongoing costs are estimated to be about \$17 million. About half of the cost is attributed to labor costs and the other half is for capital costs. This cost would be distributed over an 11-year period, from 2009 to 2020.

Annual costs would vary between \$500,000 and \$1.7 million per year, with the average cost of \$1.4 million per year over this time period. With 31 terminals and 35 vessel fleets affected by the proposed regulation, the cost to a typical business would be \$26 million.

Vessel owners or operators, terminals, and ports would have additional recurring costs associated with recordkeeping and reporting. Reporting requirements begin July 1, 2009, and recordkeeping requirements begin January 1, 2010. For the vessel owner or operator, the costs associated with reporting and recordkeeping will vary between \$600 and \$12,000 annually. The higher cost for reporting and recordkeeping is based on the vessel owner or operator choosing to comply with the emission reduction option of the proposed regulation, and the lower end of the range represents the costs for vessel owners or operators complying with the limited auxiliary engine operation requirement. For the terminal operators and ports, the costs associated with reporting and recordkeeping are about \$800 annually.

Staff estimates the cost-effectiveness of the proposed regulations, in terms of dollars per ton of PM emission reduction, to be about \$690,000 per ton if the total annualized cost is attributed solely to the PM reduction. Staff estimates the cost-effectiveness of the proposed regulation, in terms of dollars per ton of NOx emission reduction, to be about \$12,800 per ton, if the total cost is attributed solely to the NOx emission reductions. Because the proposed regulation reduces significant amounts of both NOx and PM, staff also evaluated cost-effectiveness by attributing half the total annualized cost to the PM emission reductions and half to the NOx emission reductions. The resulting cost effectiveness values using that method are \$6,400 per ton of NOx reduced and \$345,000 per ton of PM reduced.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The ARB staff has considered proposed alternatives that would lessen any adverse economic impact on businesses and invites you to submit proposals. Submissions may include the following approaches for consideration:

- (i) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) Use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

Alternatives that staff considered are described in more detail in the Staff Report.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action may affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. Businesses may be created in California that install electrical infrastructure at ports, sell emission control technologies that reduce NOx or PM from auxiliary engines, or provide distributed energy, due to the regulatory requirements.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action would not affect small businesses; due to the large capital and operating costs associated with vessel operations, we do not anticipate any small businesses would be affected by the proposal.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulations which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Costs to Local and State Government Agencies

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, except as discussed below, or other nondiscretionary savings to state or local agencies.

The governmental agencies affected by the proposed regulation are the port authorities, which are branches of the local city governments. The ports affected by the proposed regulation include the ports of Hueneme, Long Beach, Los Angeles, Oakland, San Diego, and San Francisco. In addition, the cruise terminal at the Port of Long Beach is owned by the City of Long Beach. The total costs to be expended by the port authorities to add shore-power equipment to their facilities range

from \$4 million to \$86 million. Staff anticipates that the port authorities would begin to make payments during fiscal years 2008/2009 and 2009/2010 for the necessary shore-power equipment to satisfy the 2014 shore-power requirements. The estimated fiscal costs for the ports range from \$600,000 to \$7.4 million for fiscal years 2007/2008 and 2009/2010.

A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

SUBMITTAL OF COMMENTS

Interested members of the public may also present comments orally or in writing at the meeting, and in writing or by e-mail before the meeting. To be considered by the Board, written comments submissions not physically submitted at the meeting must be received **no later than 12:00 noon, Pacific Standard Time, December 5, 2007**, and addressed to the following:

- Postal mail: Clerk of the Board, Air Resources Board
 - 1001 I Street, Sacramento, California 95814
- Electronic submittal:
<http://www.arb.ca.gov/lispub/comm/bclist.php>
- Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and other search engines.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted to ARB in Health and Safety Code sections 38560, 38560.5, 39600, 39601, 39650, 39658, 39659, 39666, 41511, 43013, and 43018. This action is proposed to implement, interpret, or make specific Health and Safety Code sections 38560, 38560.5, 39000, 39001, 39515, 39516, 39650, 39658, 39659, 39666, 41510, 41511, 43013, 43016, and 43018; and *Western*

Oil and Gas Ass'n v. Orange County Air Pollution Control District, (1975) 14 Cal.3rd 411, 121 Cal.Rptr. 249.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 219, 220, 240, 713, 1050, 1053, 1055, 1055.1, 5521, 7149.8 and 7380, of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 210, 220, 240, 713, 1050, 1053, 1055, 1055.1, 5521, 7145, 7149.8, 7380, 7381 and 7382, of said Code, proposes to amend sections 1.74, 5.80, 5.81, 5.87, 27.90, 27.91, 27.92, 29.15, 29.90 and 701; and add sections 5.79, 5.88, 29.16 and 29.91, Title 14, California Code of Regulations, relating to Sport Fishing Report Card and Tagging Requirements regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department has identified a need to implement additional regulatory requirements for recreational anglers that fish for or take salmon, steelhead, abalone, sturgeon and lobster. The proposed changes are needed to implement vital fishery management to protect and

preserve the unique character of California's salmon, steelhead, sturgeon, abalone and lobster fisheries and provide anti-poaching measures to combat illegal black-market activities.

These proposed changes will revamp and add additional requirements for these five sport fisheries, in order to address inadequate recreational harvest data, the lack of adequate funds for report card programs, and difficulties with enforcement of existing current report card requirements and bag limit regulations.

The Department is proposing to change existing regulations to:

- 1) Require anglers of all ages to obtain and carry a report card for all fishing areas and all dates (i.e. fishing piers and free fishing days) when fishing for a species that requires a report card.
- 2) Standardized formats and procedures for all report cards.
- 3) Incorporate sequentially numbered tags into the Abalone Report Card similar to the Sturgeon Fishing Report Card.
- 4) Revise the Klamath-Trinity Salmon Report Card to collect additional river angler data and eliminate the card requirement for ocean waters.
- 5) Implement a new Spiny Lobster Report Card.
- 6) Ensure all report card fees adequately cover monitoring and analysis costs, where possible.

BACKGROUND

Existing fishing report cards collect angler information that would otherwise be very expensive to survey, help increase sample size of fishery estimates, and provide an important harvest tool for assessment and enforcement purposes. Title 14, California Code of Regulations (CCR), presently contains four sport fishing report cards which are:

- Sport Salmon Punch Card — Section 1.74
- Steelhead Fishing Report and Restoration Card — Section 1.74
- Abalone Permit Report Card — Section 29.15
- Sturgeon Fishing Report Card — sections 5.80 & 27.90

The Sport Salmon Punch Card was the first fishing report card adopted by the Commission in 1986 as a fishery management tool to monitor the recreational salmon fishery catch and effort in the ocean waters above Horse Mountain and the anadromous waters of the Klamath and Trinity river basins.

The next two fishing report cards were established by the Legislature. The Steelhead Fishing Report and Restoration Card was implemented in 1991 pursuant to Fish and Game Code Section 7380 to track the steelhead

fishery catch and effort and provide revenue for steelhead restoration efforts. The Legislature also provided the Commission with the authority to establish additional regulations to implement and make specific this report card requirement as necessary pursuant to Fish and Game Code subsection 7380(c).

The Abalone Permit Report Card was added in 2001 pursuant to Fish and Game Code Section 7149.8 to track the recreational abalone fishery catch and effort and provide revenue for abalone research and management. However, the Commission retained general authority to regulate sport fishing (Fish and Game Code Sections 200, 202 and 205), and thus can implement and make specific provisions to implement this statutorily-established card program consistent with the Abalone Recovery and Management Plan adopted by the Commission pursuant to Fish and Game Code Section 5522.

The fourth report card was the Sturgeon Fishing Report Card adopted by the Commission in 2006, under its general authority to regulate the recreational white sturgeon fishery. Its new approach required all anglers regardless of age and fishing area carry the report card and incorporated removable tags to be affixed to any retained white sturgeon. This approach was necessary to enforce the three-fish annual bag limit, collected additional angler data, deter poaching and stop illegal black-market activities. This report card was required for anglers less than 16 years old and other non-licensed anglers to collect important information that would otherwise be underestimated or not counted.

PROPOSAL DISCUSSION AND DETAILS

The Department requests the Commission consider the following proposed revisions or additions to Title 14, CCR, as described herein:

Section 1.74 — Sport Fishing Report Card and Tagging Requirements

The Department is proposing to improve the design of each report card to streamline the completion and submission procedures. All of the report cards will require the same cardholder information be collected and the completion, submission, and replacement card procedures will be contained within this general section. This standardization will reduce license agent and angler confusion when using the five different report cards and help increase regulation compliance.

The Klamath-Trinity salmon, steelhead, abalone, sturgeon, and lobster fisheries are some of California's most valuable recreational fishing resources and provide significant economic benefit to the California's statewide economy. It is crucial that catch and effort information be collected from all anglers in these very important fisheries, as the under-age and non-licensed anglers are otherwise underestimated, misrepresented,

or just not counted. These proposed revisions are considerably more cost-effective than having Department staff expand its creel census program to cover 100% of the recreational fishing effort for these fisheries.

Existing regulations in this section contains the Salmon Punch Card and Steelhead Fishing Report and Restoration Card requirements. The ocean requirement for the salmon report card is proposed to be eliminated, the regulations for the salmon report card requirement will be revised and moved to Section 5.87, and the regulations for the steelhead report card requirement will be revised and moved to Section 5.88. The proposed Section 1.74 revisions and additions applicable to all report cards are outlined below:

Purpose

These regulations address potential concerns for overfishing and a lack of recreational fishing effort and catch information in some or all areas where the fishery operates. Many of these species are of high commercial value, and therefore, additional enforcement mechanisms are needed to improve compliance with existing bag limits and other regulations, and to reduce the potential for poaching.

Species and Location Requirements

Anglers fishing for or taking the following species in the specified area are subject to the report card requirements:

- 1) Salmon, in the Klamath-Trinity River System defined as the anadromous waters of the Klamath and Trinity River basins.
 - (a) Anadromous waters are defined by Section 1.04 as inland waters that are accessible to fish migrating from the ocean.
- 2) Steelhead trout, in anadromous waters.
- 3) White sturgeon, in all areas of authorized take and retained sturgeon are required to be tagged.
- 4) Red abalone, in all areas of authorized take and retained abalone are required to be tagged.
- 5) California spiny lobster, in all areas of authorized take.

General Report Card Requirements

- 1) Any person fishing for or taking any of the above five species shall possess a non-transferable report card for that particular species. This includes all persons who are:
 - a) under 16 years of age,
 - b) fishing from a public pier,
 - c) fishing on free fishing days, or
 - d) hold a lifetime fishing license.

- 2) Persons exempt from sport fishing license requirements may obtain report cards without purchasing a sport fishing license.
- 3) All entries made on any report card or tag must be legible and in indelible ink.
- 4) The cardholder is responsible for entry of the following information at the time of report card issuance:
 - a) Acquisition of Sturgeon Fishing Report Cards and Abalone Report Cards: If the cardholder is required to have a sport fishing license, the report card number shall be entered in the designated space provided on the back of the individual's sport fishing license, and the sport fishing license number shall be entered on the report card in the appropriate space.
 - b) Acquisition of Klamath-Trinity Salmon Report Cards, Steelhead Report and Restoration Cards and Spiny Lobster Report Cards: If the cardholder is required to have a sport fishing license, both the name of the report card and the number shall be entered in the blank area on the back of the individual's sport fishing license, and the sport fishing license number shall be entered on the report card in the appropriate space.
 - c) The date that the report card is issued.
 - d) The cardholder's name.
 - e) The cardholder's street address, city, state, and zip code.
 - f) The cardholder's home phone.
 - g) The cardholder's date of birth.
 - h) If the cardholder has an e-mail address, a driver's license, or DMV identification number, this information shall also be entered in the appropriate spaces.
- 5) If the cardholder wants to purchase another fishing license after their short term sport fishing license has expired, the cardholder does not need to purchase a second report card provided they still possesses the first report card.
 - a) If there is a space provided for the particular card on the sport fishing license, the number shall be entered in the appropriate space at the time of purchase.
 - b) If there is no space provided for the card, both the name of the report card and the number shall be entered on the back of the individual's sport fishing license.
- 6) A report card shall be valid only during the open fishing season for the calendar year as shown on the report card.

- 7) Cardholders shall return their card by January 31 of the following year to the Department at the address specified on the card.
- 8) Cardholders who fail to return their report card to the Department by the deadline may be restricted from obtaining the same card in a following license year, or may be charged additional fees for the issuance of the same card in a following license year.
- 9) For abalone and sturgeon report cards, only one report card may be issued per person per year.
- 10) Report cards may not be transferred to another person and no person may possess any report card other than their own.

Replacement Procedures for Lost Abalone or Sturgeon Report Cards

- 1) If the cardholder loses an abalone or sturgeon report cards, a replacement card can be obtained by providing all of the following information to a Department license office:
 - a) A photocopy of the original report card issued in the cardholder's name.
 - b) A signed affidavit containing the following information:
 1. A statement confirming that the originally issued report card cannot be recovered.
 2. A statement of the cardholder's best recollection of the prior catch records that were entered on the report card that was lost, including the number of tags utilized.
 3. A statement describing the factual circumstances surrounding the loss of the card.
 - c) Proof of purchase of the original report card.
 - d) Payment of the replacement card and processing fee.
 1. A replacement report card fee is proposed to recover Department printing costs pursuant to Section 1053(b) of the Fish and Game Code.
 2. A processing fee for the replacement report card is proposed to recover Department processing costs pursuant to Section 1050(e) of the Fish and Game Code.
- 2) Based on the information provided in the written affidavit, the Department shall issue only the number of tags that were reported unused on the previously issued report card.
- 3) At the time the replacement card is acquired, if the cardholder is required to have a sport fishing license, the number of the replacement card shall be entered in the appropriate space on the sport fishing license and the fishing license number

shall be entered in the space provided on the report card.

- 4) All regulations applicable to the initial card also apply to additional cards issued pursuant to this subsection.

Replacement Procedures for Salmon, Steelhead, or Lobster Report Cards

- 1) Any cardholder who fills in all available lines on their steelhead, salmon or lobster report card shall return the card to the Department address specified on the card prior to purchasing a second card.
- 2) Any cardholder who loses their steelhead, salmon or lobster report card may purchase a second card. Before purchasing a new card, they shall provide a written affidavit to the Department address on the card documenting the lost catch and effort data required by the card to the best of the cardholder's recollection.
- 3) At the time the additional card is acquired, if the cardholder is required to have a sport fishing license, both the name of the report card and the number shall be entered on the back of the individual's sport fishing license, and the fishing license number shall be entered in the space provided on the report card.
- 4) All regulations applicable to the initial card also apply to additional cards issued pursuant to this subsection.

Specific Report Card and Tagging Requirements

Data recording and tagging procedures vary between report cards and species. These specific regulations in sections 5.79, 5.87, 5.88, 27.92, 29.16, and 29.91 also apply in addition to the regulations of this Section.

Sections 5.79 and 27.92 — White Sturgeon Report Card and Tagging Requirements (for Inland and Ocean Waters)

Section 5.79 is a new inland waters section and Section 27.92 is an updated ocean waters section to contain the sturgeon report card and tagging requirements removed and revised from Section 5.80 for inland waters and Section 27.90 for ocean waters. The proposed revisions are the same for both sections and are outlined below:

- 1) All anglers must have a Sturgeon Fishing Report Card in their possession while fishing for or taking sturgeon.
- 2) Anglers must complete and return the report card pursuant to regulations in this Section and Section 1.74.
- 3) Tagging and Recording Requirements for Retained Fish

- a) This report card includes detachable sequentially numbered tags that shall be used to tag any white sturgeon taken and retained.
- b) Any white sturgeon possessed by any person shall be tagged.
- c) Upon taking and retaining a white sturgeon, the cardholder shall immediately record the month, day, fishing location and length of the fish in the appropriate spaces on the tag.
- d) Tags shall be used in sequential order.
- e) The month, day, fishing location and length of the fish shall be recorded in the appropriate spaces on the report card which corresponds to the number on the tag.
- f) Immediately after recording the information as required, the cardholder shall remove and completely detach the tag from the card and affix it to the white sturgeon.
- g) Cardholders shall not wait until completion of fishing activity to tag any white sturgeon in possession.
- h) The tag shall be securely fastened to the fish. To affix the tag, a “zip tie”, string, line or other suitable material shall be passed through at the location specified on the sturgeon tag and attached to the fish.
- i) Tags shall not be removed from the report card until immediately prior to affixing to a white sturgeon.
- j) Any tag detached from the report card and not affixed to a white sturgeon shall be considered used and therefore invalid.
- k) No person shall possess any used or otherwise invalid tags.
- 4) Records of Prior Activity
 - a) All tags must be accounted for at all times by entry of a record on the report card corresponding to all tags that are not in possession.
 - b) Any tag that was lost or destroyed shall be recorded as such on the corresponding line on the report card.
- 5) Reporting Requirements for Released Fish
 - a) Whenever the cardholder catches and releases a sturgeon, the cardholder shall immediately record the month, day, location code, and species of sturgeon on the report card.
 - b) If all lines in the “sturgeon released” field of the report card are filled, any additional sturgeon caught and released need not be recorded on the card.
- 6) Sturgeon tags must be left affixed to the fish in place, including while stored at a residence or

non-transient location, until the fish is processed for immediate consumption.

Sections 5.80 and Section 27.90 — White Sturgeon

Existing regulations in Section 5.80 prescribes the regulations governing recreational white sturgeon fishing in inland waters. The regulations for the sturgeon report card requirement will be revised and moved to Section 5.79, and the reference updated to show the reporting and tagging requirements are defined in sections 1.74 and 5.79.

Existing regulations in Section 27.90 prescribes the regulations governing recreational white sturgeon fishing in ocean waters. The regulations for the sturgeon report card requirement will be revised and moved to Section 27.92, and the reference updated to show the reporting and tagging requirements are defined in sections 1.74 and 27.92.

Section 5.81 and Section 27.91 — Green Sturgeon

Existing regulations in Section 5.81 states green sturgeon may not be taken or possessed in inland waters. The reference will be updated to show the catch and release reporting requirements are defined in sections 1.74 and 5.79.

Existing regulations in Section 27.91 states green sturgeon may not be taken or possessed in ocean waters. The reference will be updated to show the catch and release reporting requirements are defined in sections 1.74 and 27.92.

Section 5.87 — Klamath-Trinity Salmon Report Card Requirement

Klamath and Trinity river basin salmon stocks have been severely depleted in recent years due to poor escapement and ocean conditions. This has resulted in extensive ocean and river fishery restrictions. There is also a strong concern that many of the basin’s sub-stocks have higher than predicted fishery impacts which could lead to their possible extinction. These proposed changes will augment the existing data for salmon stocks from the river sport fishery to ensure effective management of the Klamath-Trinity river basin salmon stocks.

Presently the Sport Salmon Punch Card serves as an enforcement tool for tracking daily and weekly bag limits. The proposed changes will eliminate the report card requirement for ocean waters above Horse Mountain, change the name to the Klamath-Trinity Salmon Report Card to reflect its reduced geographic area and format change from a punch card, and collect adult and jack Chinook salmon retention and release information, Coho salmon release information, and record salmon fin clip information.

This is a new section to contain the regulations for the salmon report card requirement revised and moved

from Section 1.74. The proposed revisions are outlined below:

- 1) All anglers must have a Klamath–Trinity Salmon Report Card in their possession while fishing for or taking salmon in waters of the Klamath River system.
- 2) Anglers must complete and return the card pursuant to regulations in this Section and Section 1.74.
- 3) Prior to beginning fishing activity, the cardholder shall record the month, day, and fishing location on the first available line on the report card.
- 4) Whenever the cardholder retains or releases a Chinook salmon, they must immediately record whether the fish was an adult or a jack and whether the fish has an adipose fin present.
- 5) Whenever the cardholder releases a Coho salmon, they must immediately record whether the maxillary is present or absent.
- 6) Whenever the cardholder moves to another fishing location, they must record the month, day, and catch area on the next line on the report card.
- 7) In the Klamath–Trinity River System, a jack Chinook salmon is defined as any Chinook salmon that is less than 22 inches total length.
- 8) In the event an angler completely fills in all lines and returns a Klamath–Trinity Salmon Report Card, an additional card may be purchased.

Section 5.88 — Steelhead Report and Restoration Card Requirements for Inland Waters

This is a new section to contain the steelhead report card requirement for inland waters revised and moved from Section 1.74. The proposed revisions are outlined below:

- 1) All anglers must have a Steelhead Fishing Report and Restoration Card in their possession while fishing for or taking steelhead in anadromous waters.
- 2) Anglers must complete and return the card pursuant to regulations in this Section and Section 1.74.
- 3) For purposes of these regulations, a steelhead trout is defined as any rainbow trout greater than 16 inches in length in anadromous waters.
- 4) Prior to beginning fishing activity, the cardholder must record the month, day, and fishing location on the first available line on the report card.
- 5) When a steelhead is retained, the cardholder must immediately fill in a circle indicating whether the fish is a wild fish or a hatchery fish.
- 6) When the cardholder moves to another fishing location, or finishes fishing for the day, the angler

must immediately record on the card the number of wild and hatchery fish that were released from that location.

- 7) In the event an angler completely fills in all lines and returns the Steelhead Fishing Report and Restoration Card, an additional card may be purchased.

Section 29.15 — Abalone

Existing regulations in this section prescribes the regulations governing recreational abalone diving activity in northern California waters where the take of red abalone is authorized. The regulations for the abalone report card requirement will be revised and moved to Section 29.16 and the reference updated to show the reporting and tagging requirements are defined in sections 1.74 and 29.16.

Section 29.16 — Abalone Report Card and Tagging Requirements for Ocean Waters

The Department is proposing the Abalone Report Card be issued with 24 attached numbered tags to match the current annual limit similar to the Sturgeon Report Card and tags.

At the Commission's May meeting, the Department reported that violations of daily and annual bag limit regulations for abalone continue to be widespread, despite concerted enforcement and outreach efforts and the threat of enhanced penalties. As reported, abalone are often taken by one angler and given away as a gift.

Current regulations make it impossible to determine if the abalone in an individual's possession was taken legally without the use of a sequentially numbered tag. An abalone tag affixed to the abalone shell will clearly indicate that the individual was harvested in the recreational fishery. This new tag program will assist enforcement officers in the field to determine if the abalone was legally taken within existing daily and annual bag limits.

This is a new section to contain the abalone report card requirement revised and moved from Section 29.15 and the proposed new tagging requirements. The proposed revisions are outlined below:

- 1) All individuals including divers must have an Abalone Report Card in their immediate possession while fishing for or taking red abalone.
- 2) Individuals must complete and return the report card pursuant to regulations in this Section and Section 1.74.
- 3) Tagging Requirements
 - a) This report card includes detachable sequentially numbered tags that shall be used to tag any abalone that is taken and retained.
 - b) Any red abalone possessed by any person shall be tagged.

- c) Cardholders shall tag any red abalone either immediately upon exiting the water or immediately upon boarding a vessel, whichever occurs first.
- 1. **OPTION 1** — No exception for users of non-motorized vessels.
- 2. **OPTION 2** — Provides exception to allow cardholders using non-motorized vessels to disembark prior to tagging. Cardholders who dive from a non-motorized vessel such as a kayak that is in the water may wait until immediately after disembarking from the non-motorized vessel to tag and record any abalone in possession, but shall not transfer any abalone from his or her immediate possession unless they are first tagged and recorded on the report card.
- 3. For the purposes of this section, a vessel is defined as any watercraft used or capable of being used as a means of transportation on water.
- d) Cardholders shall not wait to return to their vehicle, beach site or other location to tag any abalone in possession.
- e) The cardholder shall fill in the month, day, time of catch, and fishing location on the abalone tag, remove and completely detach the tag from the card, and affix it to the shell of the abalone.
- f) The tag shall be securely fastened to the shell of the abalone. To affix the tag, a “zip tie”, string, line or other suitable material shall be passed through a siphon hole on the abalone shell and through the tag at the location specified on the abalone tag.
- g) Tags shall be used in sequential order, and shall not be removed from the report card until immediately prior to affixing to an abalone.
- h) Any tags detached from the report card and not affixed to an abalone shall be considered used and therefore invalid.
- i) No person shall possess any used or otherwise invalid abalone tags not attached to an abalone shell.
- 4) **Reporting Requirements**
 - a) Immediately upon tagging all abalone in possession, the cardholder shall record the month, day, time of catch, and fishing location in the appropriate spaces on the numbered line on the report card which corresponds to the number of the tag on the abalone.
- 5) **Records of Prior Activity**
 - a) All tags must be accounted for at all times by entry of a record on the report card corresponding to all tags that are not in possession.

- b) Any tag that was lost or destroyed shall be recorded as such on the corresponding line on the report card.
- 6) Abalone tags must be left affixed to the shell, including while stored at a residence or non-transient location, until the abalone is processed for immediate consumption.

Section 29.90 — Spiny Lobsters

Existing regulations in this section prescribes the regulations governing recreational lobster fishing activity using SCUBA, snorkel and hoop net gear. The proposed amendment will add a reference that any person fishing for or taking a spiny lobster shall have a Spiny Lobster Report Card in their possession and follow the reporting requirements defined in sections 1.74 and 29.91.

Section 29.91 — Spiny Lobster Report Card Requirements for Ocean Waters

A Spiny Lobster Report Card is proposed to collect needed information on recreational catch, effort, and gear used in the recreational lobster fishery. The Department presently has no effective method to assess recreational take levels or differences in gear efficiency in this fishery, and this new report card will collect vital recreational catch and effort data to enhance assessment of the spiny lobster resources and fishery.

This is a new section to contain the proposed new spiny lobster report card requirement. The proposed revisions are outlined below:

- 1) All individuals must have a Spiny Lobster Report Card in their possession while fishing for or taking lobster.
 - a) In the case of a person diving from a boat, the report card may be kept in the boat, or in the case of a person diving from the shore, the report card may be kept within 500 yards on the shore.
- 2) Individuals must complete and return the card pursuant to the regulations in this Section and Section 1.74.
- 3) Prior to beginning fishing activity, the cardholder must record the month, day, location and gear code on the first available line on the report card.
- 4) When the cardholder moves to another location code, or finishes fishing for the day, he or she must immediately record on the card the number of lobster kept from that location.
- 5) In the event an individual completely fills in all lines and returns a Spiny Lobster Report Card, an additional card may be purchased.

Section 701 — Sport Fishing Forms and Fees

Existing regulations in this section contains recreational fishing form numbers that are incorporated by reference and their fees which are adjusted annually pursuant to the provisions of Section 699. The proposed

amendments to Section 701 will update this information for salmon, steelhead, and sturgeon report cards, add this information for the abalone and lobster report cards, and add the replacement card and replacement processing fees for the sturgeon and abalone report cards. The proposed revisions are outlined below:

- 1) The Klamath-Trinity Salmon Report Card fee, \$1.50 in 2007, does not cover any monitoring and analysis costs. Consequently, the Department proposes an increased 2008 fee of \$5.00 for this card to cover projected program monitoring and analysis costs. This fee increase will fund processing of the card data and expand the existing creel survey to cover spring-run Chinook in the Lower Klamath River and fall-run Chinook in Upper Klamath River. The existing creel survey for fall-run Chinook is funded by the U.S. Bureau of Reclamation in Lower Klamath River.
- 2) The Department proposes a 2008 fee of \$7.50 for the new Spiny Lobster Report Card to cover projected monitoring and analysis costs. Presently there is no funding for monitoring and analysis costs for the lobster recreational fishery. The proposed fee will fund processing of the card data, a new sport lobster creel survey, augment existing telephone surveys to collect lobster sport data, provide enforcement measures on the ocean, public outreach and education, and further lobster resource research with the goal of long term sustainability.
- 3) The Department proposes leaving the Sturgeon Fishing Report Card as a free card for 2008. Projected monitoring and analysis costs will be augmented by the Bay-Delta Stamp Program.
- 4) The Abalone Report Card and Steelhead Fishing Report and Restoration Card fees are set by statute. The Commission does not have authority to modify this fee. In 2008, the fees will be \$17.75 and \$5.75, respectively.
- 5) Proposed replacement report card fees for the abalone and sturgeon report cards are being established to align it with other Department replacement tag procedures. In 2008, the fees will be \$8.25 and \$0.00, respectively. In 2009, the fees will be \$8.25 and \$1.50, respectively.
- 6) Proposed replacement processing fees for replacement of the abalone and sturgeon report cards are being established to recover Department costs for processing of the replacement report card requests. In 2008, the fee will be \$7.50 for both cards.

Other minor revisions for simplification and clarity purposes are proposed.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resource Building 1st Floor Conference Room, Sacramento, California, on Friday, November 2, 2007 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Department of Education, State Board Room, 1430 N. Street, Room 1101, Sacramento, California on Friday, December 7, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before November 26, 2007, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on December 4, 2007. All comments must be received no later than December 7, 2007, at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon Snellstrom at the preceding address or phone number. **Scott Barrow, phone (916) 445-7600, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of

the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed regulations are projected to have some minor though unquantifiable positive impact on businesses such as tackle shops, drug stores, box stores, and other vendors who contract with the Department to sell report cards to anglers.

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

It is likely that on the whole, there will be a positive, rather than adverse impact on businesses, and the proposed regulations are not likely to affect the ability of California businesses to compete with businesses in other states.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

(c) Cost Impacts on a Representative Private Person or Business:

Table 1. Estimated Department Costs for 2008 Report Card Programs					
Report Card	Quantity Produced	Proposed 2008 Card Fee	Estimated Cards Sold in 2008	Estimated 2008 Card Revenue	Projected Department Costs
<i>Commission enacted report card programs</i>					
Salmon Card	70,000	\$5.00	12,500	\$62,400	\$108,000 ¹
Sturgeon Card	180,000	\$0.00	34,400	\$0	\$370,000 ²
Lobster Card	100,000	\$7.50	70,000	\$525,000	\$525,000 ¹
<i>Legislature enacted report card programs</i>					
Abalone Card	77,000	\$17.75	37,500	\$665,000	\$665,000 ³
Steelhead Card	130,000	\$5.75	40,700	\$235,000	\$235,000 ³
Footnotes:					
1) Department costs will depend on the final revenue received.					
2) Department costs for report card printing will be recovered from the Bay-Delta Stamp Program.					
3) Card revenue not utilized for program costs is required by statute to be allotted to restoration/research efforts.					

The Department expects increased costs for some individuals who now will be required to purchase a card who did not need to before. Fees for each card vary from \$1.50 to \$17.75, depending on the species for which a card is sought.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The estimated fiscal impacts to the Department are shown in Table 1.

These estimates result from Department costs associated with increased needs for fisheries monitoring and enforcement, analysis of report cards data, report card printing and issuance, and public outreach and education. Any report card program costs not recovered from the proposed report card fee and/or replacement card fees will result in a reciprocal reduction in fisheries monitoring or report card data analysis. Estimates of card sales are imprecise, and based on sales in prior years. For the new lobster report card, 2008 sales esti-

mates were derived from crude Department estimates of lobster fishing activity from creel census reports, the only available information.

(e) Other Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed to Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of

the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the proposed action in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on December 3, 2007.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board's office not later than 5:00 p.m. on November 19, 2007.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the action substantially as described below or may modify such action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the action.

Authority and Reference: Pursuant to the authority vested by section 2570.20 of the Business and Professions Code, and to implement, interpret or make specific section 2570.20, the Board is proposing revising Division 39, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law states that a violation of any ethical standard of practice constitutes grounds for disciplinary action. The ethical standards of practice are outlined in Section 4170 and include subsection (g) requiring occupational therapy practitioners report known acts of unprofessional conduct to the Board.

The proposed language amends 4170(g) to require that occupational therapy practitioners report to the Board *acts constituting grounds for discipline* as defined in Business and Professions Code (BPC) Section

2570.28. Currently, 4170(g) only requires that practitioners report *unprofessional conduct* to the Board. BPC section 2570.28(a) defines *unprofessional conduct* as: (1) incompetence or gross negligence, (2) repeated similar negligent acts, (3) a conviction of practicing medicine without a license, (4) the use of advertising that violates Section 17500, and (5) disciplinary action taken by another state. Using the phrase *acts constituting grounds for discipline* in lieu of *unprofessional conduct* would broaden the reportable violations to more appropriately include all subsections listed in BPC section 2570.28. Additional violations that occupational therapy practitioners would be required to report to the Board would include, but not be limited to, impersonating a licensed practitioner, allowing another person to use a license, committing fraudulent acts, committing any action punishable as a sexually related crime, using excessive force upon a patient, falsifying a patient record, and failing to maintain patient confidentiality.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the adoption of this regulation would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses because the regulation does not regulate small businesses, does not require reports or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may request a hearing to present statements or arguments orally or in writing relevant to the above determinations, if requested within 15 days of the close of the written comment period.

TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons that sets forth the reasons for the proposed action and has all the information upon which the proposal is based.

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from our website as listed below upon written request from the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

April Freeman
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95811
(916) 322-3278
(916) 445-6167 (FAX)
cbot@dca.ca.gov

The backup contact person is:

Heather Martin
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95811
(916) 322-3394
(916) 445-6167 (FAX)
cbot@dca.ca.gov

Website Access: All materials regarding this proposal can be found on-line at www.bot.ca.gov > **Laws and Regulations** > **Proposed Regulations**.

TITLE 16. CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 2420 Del Paso Road, Suite 105, Sacramento, California, at 2:00 p.m. on December 3, 2007. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office at the above address not later than December 3, 2007 at 5:00 p.m. or at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modification is sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by Section 5526 of the Business and Professions Code, and to implement, interpret, or make specific Section 5550 of said Code,

the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations governing examinations and other rules and regulations as may be necessary. Section 5550 entitles any person who meets the qualifications set forth in the article to an examination for a license to practice architecture subject to the rules and regulations governing examinations.

Amend Section 109 — Filing of Applications

Existing regulations specify the procedures for filing of applications. This proposal would amend the regulations to require examination candidates who are subject to the Board's internship requirement, the Intern Development Program (IDP) of the National Council of Architectural Registrations Boards (NCARB) and the Comprehensive Intern Development Program (CIDP) established by the Board, to enroll in IDP by establishing a Council Record with NCARB prior to taking the national Architect Registration Examination.

Amend Section 116 — Eligibility for Examination

Existing regulations specify the procedures for filing of applications. This proposal would amend the regulations to require examination candidates who are subject to the Board's internship requirement, the Intern Development Program (IDP) of the National Council of Architectural Registrations Boards (NCARB) and the Comprehensive Intern Development Program (CIDP) established by the Board, to enroll in IDP by establishing a Council Record with NCARB prior to taking the national Architect Registration Examination.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

The proposed regulatory action will not result in costs or savings to any state agency, costs or savings to any local agency or school district that is required to be reimbursed under Part 7 of Division 4 (commencing with Section 17500 of the Government Code), other non-discretionary costs or savings on local agencies, or costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies

None

Local Mandate

The proposed regulatory action does not impose a mandate on local agencies or school districts.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement

None

Business Impact

The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states, because it affects only candidates for examination and licensure.

Impact on Jobs/New Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because it affects only candidates for examination and licensure.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs

The proposed regulatory action will not have a significant effect on housing costs.

EFFECT ON SMALL BUSINESS

The proposed regulatory action will not affect small businesses, because it only affects candidates for examination and licensure.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determination at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California, 95834, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF
THE FINAL STATEMENT OF REASONS
AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Attn: Justin Sotelo
(916) 575-7212
(916) 575-7283 (FAX)
Justin_Sotelo@dca.ca.gov

The backup contact person is:

Vickie Mayer
(916) 575-7222
(916) 575-7283 (FAX)
Vickie_Mayer@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Justin Sotelo at (916) 575-7212.

Web site Access

Materials regarding this proposal can be found at www.cab.ca.gov.

TITLE 17. CALIFORNIA AIR
RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO
CONSIDER ADOPTION OF A REGULATION
FOR THE MANDATORY REPORTING OF
GREENHOUSE GAS EMISSIONS

The Air Resources Board (the Board or ARB) will conduct a public meeting at the time and place noted below to consider the adoption of regulations to require mandatory reporting of greenhouse gas (GHG) emissions for California facilities. This regulation is being developed pursuant to requirements of the California Global Warming Solutions Act (AB 32, Statutes of 2006, Chapter 488).

DATE: December 6, 2007

TIME: 9:00 a.m.

PLACE: Air Resources Board
Auditorium
9530 Telstar Avenue
El Monte, CA 91731

This meeting location may change. This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., December 6, 2007, and may continue at 9:00 a.m., December 7, 2007. This item may not be considered until December 7, 2007. Please consult the agenda for the meeting, which will be available at least 10 days before December 7, 2007, to determine the location and day on which this item will be considered.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette, or computer disk. Please contact ARB's Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at (916) 323-7053.

INFORMATIVE DIGEST OF PROPOSED ACTION
AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of new sections 95100 to 95133, title 17, California Code of Regulations (CCR), sections 95100 to 95133.

Background

In 2006 the legislature passed and the Governor Schwarzenegger signed the California Global Warming Solutions Act of 2006 (AB 32; Stats. 2006, chapter 488). In AB 32 the Legislature declared that global warming poses a serious threat to the economic well-being, public health, natural resources, and the environ-

ment of California. The Legislature further declared that global warming will have detrimental effects on some of California's largest industries including agriculture and tourism, and will increase the strain on electricity supplies. While national and international actions are necessary to fully address the issue of global warming, the Legislature recognized that action taken by California to reduce emissions of greenhouse gases will have far-reaching effects by encouraging other states, the federal government, and other countries to act.

AB 32 creates a comprehensive, multi-year program to reduce GHG emissions in California, with the overall goal of restoring emissions to 1990 levels by the year 2020. AB 32 requires ARB to do many things, including:

- Adopting a list of discrete, early action measures by July 1, 2007 that can be implemented before January 1, 2010, and adopting such measures;
- Establishing a statewide GHG emissions cap for 2020, based on 1990 emissions, by January 1, 2008;
- Adopting a scoping plan by January 1, 2009 indicating how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms and other actions;
- Adopting regulations by January 1, 2011 to achieve the maximum technologically feasible and cost-effective reductions in GHGs; and
- Adopting mandatory GHG emissions reporting regulations.

Mandatory GHG reporting regulations are an important component of AB 32. This is because in order to reduce GHG emissions, it is first necessary to establish an effective program to estimate, report, and track these emissions. This in turn requires an accurate and verified source of facility-specific GHG emissions data. AB 32 thus requires that ARB: “. . . on or before January 1, 2008, . . . adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with this program.” (Health and Safety Code section 38530(a)).

Section 38530(a) further specifies, among other things, that these GHG reporting regulations must:

- require the monitoring and annual reporting of GHG emissions from GHG emission sources, beginning with the sources or categories of sources that contribute the most to statewide emissions;
- account for GHG emissions from all electricity consumed in the state, including transmission and distribution line losses from electricity generated within the state or imported from outside the state;

- incorporate the standards and protocols developed by the California Action Registry (where appropriate and to the maximum extent feasible), and make reasonable efforts to promote consistency among other existing and proposed international, federal, and state greenhouse gas emission reporting programs;
- ensure rigorous and consistent accounting of emissions;
- ensure that GHG emission sources maintain comprehensive records of all reported GHG emissions.

Description of the Proposed Regulatory Action

The purpose of the proposed regulation is to meet the requirements of AB 32 to develop a comprehensive, effective, and reasonable mandatory GHG reporting program for California. The primary objectives include: begin reporting with the most significant GHG emissions sources, use rigorous and consistent emission accounting methods and provide reporting tools, include verification of emissions data, and, to the extent feasible, provide consistency with the California Climate Action Registry (CCAR), except as needed to ensure complete and verifiable mandatory reporting.

The proposed GHG reporting regulation would require annual emissions reporting from facilities that account for approximately 94% of the total carbon dioxide (CO₂) produced in California from industrial and commercial stationary sources of emissions. Additional sources of GHG emissions will be accounted for through other mechanisms besides mandatory reporting, and are not included in this regulation.

Under the proposed regulation, the facilities required to annually report their GHG emissions would include electricity generating facilities, electricity retail providers, electricity marketers, oil refineries, hydrogen plants, cement plants, cogeneration facilities, and industrial sources that emit over 25,000 metric tonnes per year of CO₂ from stationary source combustion, including facilities such as food processing, glass container manufacture, oil and gas production, and mineral processing. The staff proposal requires facilities to report their facility GHG emissions using the methods, equations, and emission factors specified in the regulation. To the extent feasible, these methods are consistent with existing CCAR protocols.

Staff is proposing that operators subject to reporting prepare and submit their GHG emissions estimates and other data as specified in the regulation. Greenhouse gas emissions reporting would be required from those with operational control of facilities or other entities subject to reporting. For this regulation, “operational control” for a facility means the authority to introduce and implement operating, environmental, health and

safety policies. Nuclear, hydroelectric, wind, or solar electricity generating sources would not be required to report under the regulation. Hospitals with the North American Industry Classification System (NAICS) code starting with 62 would also not be required to report, nor would primary and secondary schools with a NAICS code of 611110. We have estimated that approximately 800 facilities would be subject to GHG reporting under the proposed regulation.

The proposed regulation provides specific reporting requirements for each industrial sector, defining which facility processes and greenhouse gases must be reported. In general, all facilities would be required to report their on-site stationary source combustion emissions of CO₂, N₂O (nitrous oxide), and CH₄ (methane). Some industrial sectors, such as cement and refineries, would also report their process emissions, which occur from chemical or other non-combustion activities. Facilities would report fugitive emissions as specified in the regulation. The CO₂ emissions from biomass-derived fuels would also be separately identified during reporting. In addition, the proposal would require that those reporting provide their consumption of purchased or acquired electricity and thermal energy, referred to in the regulation as indirect energy usage. An option is also provided in the regulation for the voluntary reporting of mobile source emissions within the context of an entity-wide California emissions report.

All data specified in the regulation would be reported to the ARB annually. The first emissions reports must be submitted in 2009 based on 2008 emission levels. To allow facilities to develop reporting systems, train personnel, collect data, and install any necessary equipment, a phase-in time is provided in which the reporting and verification requirements are less stringent for the first reporting year. Following this phase-in, those reporting must meet the more comprehensive reporting and verification requirements specified in the proposed regulation.

Except for the emissions reports submitted in 2009, submitted emissions and other data would undergo third-party verification to ensure the completeness and accuracy of the data, and to confirm the use of required methods in preparing the emission estimates. Under the proposal, the verification of facility emissions reports would be performed annually or triennially, depending on the complexity of the emission source. Either an air pollution control district/air quality management district or a private contractor could perform verification services, provided they met specified education, experience, and training qualifications. Approval to perform verification services also involves a screening for conflict of interest by ARB.

Other items included in the proposed regulation and discussed in the ARB staff report are the detailed quan-

tification and reporting requirements for each industrial sector, required elements of verification services, emissions verifier accreditation requirements, specifications for claiming confidential data, and document retention and record keeping requirements. Complete details are provided in the proposed regulation and staff report which are available here:

<http://www.arb.ca.gov/regact/2007/GHG2007/GHG2007.htm>

COMPARABLE FEDERAL REGULATIONS

Currently there are no federal statutes requiring comprehensive facility reporting of greenhouse gas emissions. However, the United States Environmental Protection Agency's Acid Rain Program requires the reporting of CO₂, SO₂, and NO_x emissions from certain fossil fueled power plants as part of its program to reduce atmospheric levels of sulfur dioxide and nitrogen oxides, which cause acid rain (see Title 40, Code of Federal Regulations, section 72.1 et seq.). Because of the very limited nature of this federal regulation related to GHG emissions reporting, the proposed ARB regulation is not duplicative of the federal requirements.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The ARB staff has prepared a staff report or Initial Statement of Reasons (ISOR) for the proposed regulation, which includes a summary of the economic and environmental impacts of the proposal. The ISOR is entitled: "Staff Report: Initial Statement of Reasons for Rulemaking: Mandatory Reporting of Greenhouse Gas Emissions Pursuant to the California Global Warming Solutions Act of 2006 (Assembly Bill 32)."

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, or by calling (916) 322-2990 within the 45 days prior to the scheduled hearing on December 6, 2007.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries regarding the substance of the proposed regulatory action may be directed to the designated agency contact persons, Mr. Doug Thompson, Manager of the Climate Change Reporting Section, Planning and Technical Support Division at (916) 322-7062 or by e-mail at dthompso@arb.ca.gov, or Mr. Patrick Gaffney, Staff Air Pollution Specialist, at (916) 322-7303 or by e-mail at pgaffney@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Alexa Malik, Manager, Board Administration & Regulatory Coordination Unit (916) 322-4011, or Ms. Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at:

<http://www.arb.ca.gov/regact/2007/GHG2007/GHG2007.htm>

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies, private persons and businesses in reasonable compliance with the proposed regulatory action are presented below. A detailed assessment of the economic impacts of the proposed regulation is included in the Initial Statement of Reasons for this item.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. Because of the generally low reporting costs relative to typical facility revenues, the affected businesses should be able to absorb the costs of the proposed regulation with no significant adverse impacts on their profitability. We do not expect a noticeable change in employment, business creation, elimination or expansion, or business competitiveness in California due to the reporting requirements.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses and determined that there will be a potential cost on private persons and businesses directly affected. Staff estimates that the total costs associated with meeting the greenhouse gas reporting requirements to be in the range of \$10 to \$50 million during the first and second years for businesses, local, and state government, with a midpoint estimate of approximately \$30 million. Third year and subsequent costs are anticipated to be in the range of \$6 to \$35 million annually statewide, with a midpoint estimate of approximately \$21 million. First and second year costs are higher due to the possible need for new equipment,

sampling systems, training, and other start-up costs to meet the regulatory requirements. The ranges of the estimated costs are extremely wide because of the substantial variability in potential reporting and verification costs among facilities subject to the regulation. We anticipate costs to diminish over time as facilities incorporate GHG reporting into their normal business practices.

The specific cost for an individual facility subject to GHG reporting will generally depend on the complexity of the facility. Complex facilities with a large number of processes or which require ongoing monitoring of variable fuel streams, such as refineries, will have higher costs that could range from \$50,000 to over \$300,000 per year. Simple facilities such as those with only natural gas fired boilers can use default emission factors to estimate their GHG emissions, and their costs will likely be in the \$3,000 to \$20,000 per year range. Medium complexity facilities such as cement manufacturing plants or cogeneration plants would likely have annual reporting and verification costs in the range of \$7,000 to \$50,000. The vast majority of facilities and entities subject to reporting (over 90%) will fall within the low and medium complexity categories. Staff anticipates that the additional costs for reporting can be easily absorbed under existing operating expenses for most entities and facilities.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small businesses. Staff estimates that a maximum of 30-60 small business may be affected in California. We have attempted to minimize costs to these businesses by providing simplified emission estimation methods and less frequent verification for a majority of facilities anticipated to be small businesses. Based on the types of small business expected to be impacted and the kinds of GHG generating activities present at these facilities, the reporting and verification costs for a typical small business subject to the regulation should range from \$3,000 to \$15,000 per year.

Some public agencies could also be subject to GHG reporting, such as certain county or city owned sewage treatment works or landfills, various utility districts or publicly owned electricity providers, some State universities, and other State facilities that emit more than 25,000 metric tonnes of CO₂ from stationary combustion sources. The Department of Water Resources is also expected to have a reporting requirement related to imported power. These local and state government agency GHG reporting costs are anticipated to be less than \$1 million per year statewide.

As described above, the proposed regulatory action will impose a mandate upon and create costs to some local agencies. Because the regulatory requirements apply equally to all reporting categories and unique re-

quirements are not imposed on local agencies, the Executive Officer has determined that the proposed regulatory action imposes no costs on local agencies that are required to be reimbursed by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, and does not impose a mandate on local agencies that is required to be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution.

An additional State cost will be incurred by the ARB to administer the reporting program. These costs include start-up costs to develop reporting tools and training materials, as well as annual costs for new staff to implement the reporting and verification program and maintain the reporting tool. Staff estimates that the initial ARB start-up costs will be roughly \$600,000, with annual ARB operational costs of approximately \$1 million to administer the program.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not result in a loss of jobs within the State of California, or the elimination of existing businesses within the State. It is likely that the regulatory action will create the need for technical support for developing GHG emissions estimates, providing laboratory and other services, and providing emission verification services. It is anticipated that some of these services will be provided by existing companies and staffing; however, we anticipate that this regulatory action would result in some additional jobs within California to provide these services, and the expansion of some existing businesses. This regulatory action may also result in the creation of a few new businesses in California to provide these services.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings in federal funding to the state, or costs or mandate to any school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the ARB's Executive Officer has found that the proposed GHG reporting requirements which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as ef-

fective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, December 5, 2007**, and addressed to the following:

Postal Mail: Clerk of the Board,
Air Resources Board
1001 I Street,
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/listpub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

To ensure that your comment will be available for consideration it is important that your comment is received by the deadline.

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information becomes part of the public record and can be released to the public upon request. This includes personal information provided with your comments, such as your home address, your home phone number, and your personal email address. Additionally, your comments, attachments, and associated contact information may become available via internet search engines.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted to the ARB in sections 38510, 38530, 38580, 39600, 39601, and 41511 of the Health and Safety Code. This action is proposed to implement, interpret and make specific sections 38530, 38580, 39600, and 41511 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title

2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication October 19, 2007
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Fair Street Detention Facility
Butte County

The Department of Fish and Game (Department) received a notice on September 18, 2007 that the City of Chico proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the installation of a low flow pipe, removal of accumulated sedimentation on the detention pond bottom, and implementation of a vegetation management plan at the Fair Street Detention Facility in Chico, CA (Project). Project activities associated with staging and construction will result in temporary impacts to approximately 0.448 acres and permanent impacts to approximately 0.096 acres of upland and aquatic habitat suitable for the giant garter snake (*Thamnophis gigas*), and could result in mortality of individuals of the species.

The U.S. Fish and Wildlife Service (Service) issued a programmatic "no jeopardy" federal biological opinion (1-1-F-97-149)(Programmatic BO) and incidental

take statement (ITS) to the U.S. Army Corps of Engineers (Corps) on November 13, 1997 which considers the effects of small wetlands projects on the Federally and State threatened giant garter snake. On June 13, 2007 the Service issued the Corps an append letter (1-1-07-F-0196) approving the inclusion of the Project in the Programmatic BO. On July 17, 2007, the Service issued an amendment to the append letter (1-1-07-F-0239) after a site visit demonstrated that impacts to giant garter snake would be less than anticipated. Pursuant to California Fish and Game Code Section 2080.1, the City of Chico is requesting a determination that the Programmatic BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the Programmatic BO and ITS are consistent with CESA for the proposed Project, the City of Chico will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication October 19, 2007
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Mendota 180 East Rehabilitation Project
Fresno County

The Department of Fish and Game (Department) received a notice on October 4, 2007 that the California Department of Transportation (Caltrans) proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the rehabilitation and widening of the existing pavement (including three bridge crossings) along State Route 180 between Belmont Avenue in Mendota to the San Joaquin Valley Crossing in Fresno County, CA (Project). Project activities associated with staging and construction will result in impacts to approximately 1.2 acres of habitat suitable for the San Joaquin kit fox (*Vulpes macrotis mutica*) and impacts to approximately 0.72 acres of upland and aquatic habitat suitable for the giant garter snake (*Thamnophis gigas*). These impacts could result in mortality of individuals of the species.

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (1-1-03-F-0096)(BO) and incidental take statement (ITS) to the Federal Highway Administration (FHWA) on May 7, 2004 which considered the effects of the project on the Federally and State threatened giant garter snake and the Federally endangered and State threat-

ened San Joaquin kit fox. On September 18, 2007, the Service issued an amendment to the BO (1-1-07-F-0326) due to proposed changes in the project description that would increase impacts to giant garter snake. Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that the BO and ITS, including the amendment, are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication October 19, 2007
Notice Soliciting Information Regarding
Suction Dredge Mining

The California Department of Fish and Game (Department) hereby invites interested public agencies and members of the public to submit information to the Department regarding suction dredge mining in California. The Department is particularly interested in information relevant to the following issues:

1. Whether suction dredge mining results in adverse impacts to the environment;
2. Whether suction dredge mining under the Department's current regulations governing such activities results in deleterious effects to fish;
3. Whether there are changed circumstances or new information available since 1994 regarding suction dredge mining and the environment generally; and
4. Whether changed circumstances or new information available since 1994 indicates suction dredge mining under the Department's existing regulations is resulting in new significant or substantially more severe environmental impacts than previously considered by the Department.

All comments or other information should be submitted in writing to the Department by **December 18, 2007**. The Department encourages interested public agencies and members of the public to submit comments to the Department via email at the following address: SuctionDredgeMining@dfg.ca.gov.

Comments submitted to the Department via regular mail should be sent to the following address:

California Department of Fish and Game
Attn: Suction Dredge Mining Program
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

Background: The Department regulates suction dredge mining in California by authority set forth in the Fish and Game Code. The Code directs the Department to promulgate regulations designating waters where suction dredging may occur subject to various restrictions, including time of year and size of dredging equipment. The Code also directs the Department to issue suction dredge permits upon the payment of designated fees if it determines, pursuant to adopted regulations, that the operation will not be deleterious to fish. (See generally Fish & G. Code, §§ 5653, 5653.9.)

The Department promulgated the existing regulations governing suction dredge mining in California in 1994. (See generally Cal. Code Regs., tit. 14, §§ 228, 228.5.) The Department promulgated the regulations in compliance with the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) and the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). For purposes of CEQA, the Department certified an environmental impact report (EIR) and determined that, while suction dredge mining has the potential to result in significant impacts to the environment, any such impacts could be avoided or substantially lessened through compliance with the restrictions and closures set forth in the existing regulations. The Department also concluded under the Fish and Game Code that suction dredging authorized pursuant to the regulations would not be deleterious to fish.

In May 2005, the Karuk Tribe of California filed a lawsuit in Alameda County Superior Court challenging the Department's suction dredge program based on alleged violations of CEQA and the Fish and Game Code. (*Karuk Tribe of California v. California Department of Fish and Game*, Super. Ct. Alameda County Case No. RG 05 211597.) In February 2006, various mining interests, including several individuals and the New 49ers, Inc., joined the lawsuit by court order as party interveners. In December 2006, the trial court issued an order and judgment in the action with the consent of all parties. The order directs the Department to "conduct further environmental review pursuant to CEQA of its suction dredge mining regulations and to implement, if necessary, via rulemaking, mitigation measures to protect the Coho salmon and/or other special status fish species in the watershed of the Klamath, Scott, and Salmon Rivers, listed as threatened or endangered after the 1994 EIR."

This notice and the related request for information regarding the existing permitting program for suction dredge mining in California is part of the Department's

effort to comply with the court order in the Karuk litigation. The Department expects there will be additional opportunities for interested public agencies and members of the public to provide input to the Department regarding the existing suction dredge mining program and the related court ordered environmental review. Interested public agencies and members of the public are advised that submitting comments or information to the Department in response to this notice is not a substitute for submitting comments to the Department in response to future notices soliciting public input that may be required under CEQA or the APA.

Although the Department is providing this notice as part of its effort to comply with the court order in the Karuk litigation, the Department is interested in information related to the issues highlighted above on a state-wide basis. For example, the Karuk litigation focused on issues related to the Department's suction dredge mining program in the Klamath, Scott, and Salmon River watersheds. In contrast, the Department is interested in information as specified above regarding suction dredge mining throughout California.

Additional information regarding the Department's suction dredge permitting program and the court ordered environmental review is available through the Department's website at www.dfg.ca.gov. Information available through the website includes the 1994 EIR certified by the Department when it adopted the existing regulations governing suction dredge mining; relevant excerpts from the California Fish and Game Code and Title 14 of the California Regulations governing the Department's existing permitting program for suction dredge mining; and various documents from the Karuk litigation, including the December 2006 court order.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

California Environmental Protection Agency
Office of Environmental Health Hazard Assessment

NOTICE TO INTERESTED PARTIES

October 19, 2007

REQUEST FOR PUBLIC PARTICIPATION NOTICE OF PUBLIC WORKSHOP

PROPOSITION 65 REGULATORY UPDATE PROJECT

The Office of Environmental Health Hazard Assessment is the lead agency for implementation of Proposition 65 (The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5 et seq., hereafter referred to as Proposition 65 or the Act). As part of its responsibilities related to Proposition 65, OEHHA maintains the regulations implementing the Act. These regulations can be found in Title 22 of the California Code of Regulations, sections 12000–14000 inclusive.

As part of an ongoing project to clarify and update these regulatory provisions, OEHHA has established a limited-term position for a regulatory attorney. This attorney will work full-time on projects designed to clarify, improve and update the regulatory provisions governing the Proposition 65 program. As part of this effort, OEHHA is seeking input from stakeholders in the enforcement and business communities, as well as other members of the public concerning the direction this effort should take. Over the years, OEHHA has identified updates that could be taken to clarify existing regulatory provisions, add new provisions dealing with emerging issues, or delete provisions that may no longer be necessary and these potential updates, listed in alphabetical order, are listed below.

On Friday, November 2, 2007 from 10 to Noon in the Byron Sher Auditorium at the Cal/EPA Headquarters Building located at 1001 I Street, Sacramento, California, OEHHA will hold a public workshop for the purpose of gathering input from interested parties concerning the relative importance of these regulatory actions as well as items that should be added to the list or removed. If you have special accommodations or language needs, please contact Monet Vela at (916) 323-2517 or mvela@oehha.ca.gov by October 26, 2007.

While all ideas will be considered, stakeholders are encouraged to make their suggestions as specific as possible and also to limit the suggestions to those that will implement or make specific the provisions of Proposition 65 while furthering the purposes of the Act. Suggestions for changes to the law itself are beyond the scope of this project.

Interested parties may also submit their ideas on the regulatory update project by 5:00 p.m. on November 16, 2007. All submissions should be directed to:

Carol J. Monahan-Cummings
Chief Counsel
Office of Environmental Health Hazard Assessment
1001 I Street, MS# 25B
Sacramento, CA 95816
Or via e-mail to cmcummings@oehha.ca.gov

List of Potential Regulatory Actions

- Add needed definitions of statutory terms.
- Address averaging issues related to exposures to listed chemicals.
- Address scientific issues concerning methods of detection and analysis and detection limits.
- Adopt NSRLs and MADLs for important/common chemicals.
- Amend warning regulations to more specifically address the form, content and delivery of warnings for exposures from consumer products, occupational exposures and environmental exposures.
- Clarify issues related to minor deviations from safe harbor form or language.
- Clarify relative level of responsibility for providing warnings between manufacturers, distributors and retailers for various types of exposures (including phone and internet sales).
- Consider additional changes to the Safe Use Determination regulation.
- Consider clarifying issues relating to assessing the level of exposure to listed chemicals from consumer products (i.e. transfer factors).
- Develop a regulation addressing exposures to beneficial nutrients in foods.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814 (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File # 2007-0827-01

BOARD OF CHIROPRACTIC EXAMINERS

Title Change Executive Director to Executive Officer

This is a change to California Code of Regulations, Title 16, sections 306, 306.1, 310, 390, 390.2, 390.3, 390.4 and 390.5 submitted by the Board of Chiropractic Examiners. This change is filed as a Title 1, Section 100 change without regulatory effect. The changes replace the term "Executive Director" with the term "Executive

Officer" to be consistent with the language used in the Chiropractic Initiative Act of 1922. The changes are without regulatory effect.

Title 16

California Code of Regulations

AMEND: 306, 306.1, 310, 390, 390.2, 390.3, 390.4, 390.5

Filed 10/05/2007

Agency Contact:

Michael E. Hamilton

(916) 263-5373

File # 2007-0926-04

BOARD OF PAROLE HEARINGS

180-Day Parole Discharge Review

This regulatory action specifies criteria for parole board review of recommendations from the Division of Adult Parole Operations (DAPO) for discharge from parole at 180 days. A recent CDCR operational necessity emergency rulemaking established an assessment process to create recommendations for early discharge of non-serious, non-violent, low risk offenders. This action provides the process to consider those recommendations.

Title 15

California Code of Regulations

ADOPT: 2536.1

Filed 10/09/2007

Effective 10/09/2007

Agency Contact:

Devaney Sullivan

(916) 322-6815

File # 2007-0822-01

BOARD OF PODIATRIC MEDICINE

Waiver of Requirement — Retirement

In this regulatory action, the Board of Podiatric Medicine amends a regulation pertaining to the waiver of continuing education requirements for licensees to provide that persons exempted from requirements by reason of retirement may not engage in the practice of podiatric medicine.

Title 16

California Code of Regulations

AMEND: 1399.678

Filed 10/04/2007

Effective 11/03/07

Agency Contact: Kathleen Cook

(916) 263-0315

File # 2007-0921-03

DEPARTMENT OF FINANCIAL INSTITUTIONS

Conflict of Interest Code

The Department of Financial Institutions is amending its conflict of interest code found at section 5.2001, title 10, California Code of Regulations. The changes were approved for filing by the Fair Political Practices Commission on August 22, 2007.

Title 10
California Code of Regulations
AMEND: 5.2001
Filed 10/09/2007
Effective 10/09/2007
Agency Contact: Aile Adriano (916) 324-9678

File # 2007-1002-03
DEPARTMENT OF FOOD AND AGRICULTURE
Diaprepes Root Weevil Interior Quarantine

This emergency regulatory action will expand an existing quarantine area in the eastern Encinitas area of San Diego County by approximately one-half square mile, and expand an existing quarantine area in the Long Beach area of Los Angeles County by one-half square mile for the Diaprepes root weevil (*Diaprepes abbreviatus*).

Title 3
California Code of Regulations
AMEND: 3433(b)
Filed 10/03/2007
Effective 10/03/2007
Agency Contact: Stephen Brown (916) 654-1017

File # 2007-0824-01
DEPARTMENT OF GENERAL SERVICES
Disabled Veteran Business Enterprise Incentive

This regulatory action creates an incentive for bidders proposing participation of Disabled Veterans Business Enterprises (DVBE) when State departments are awarding contracts.

Title 2
California Code of Regulations
AMEND: 1896.98, 1896.99.100, 1896.99.120
Filed 10/09/2007
Effective 10/09/2007
Agency Contact: Melodie Cato (916) 375-4935

File # 2007-0829-01
DEPARTMENT OF INSURANCE
Revised Mandated Benefits Regulations

In this regulatory action, the Department of Insurance amends a regulation in its "Mandated Benefits Analysis Regulations" which implement Health and Safety Code sections 127660 through 127664. The amendment continues the existing fee assessment on health insurers through Fiscal Year 2009-10, as required by an amendment of Health and Safety Code section 127662 in SB 1704, Chapter 684, Statutes of 2006.

Title 10
California Code of Regulations
AMEND: 2218.63(b)
Filed 10/10/2007
Effective 11/09/2007
Agency Contact: Debra Chaum (415) 538-4115

File # 2007-1005-01
DEPARTMENT OF INSURANCE
California Low Cost Automobile Insurance Program

This regulatory action establishes the uniform rates for the liability policy, uninsured motorists and medical payments coverage under the Low Cost Automobile Insurance Program, for the following counties: Merced, Monterey, Santa Barbara, Sonoma, Tulare, and Ventura. The California Low Cost Automobile Insurance Program is a statutorily required plan for equitable apportionment among insurers required to participate in the California Automobile Assigned Risk Plan (CAARP) for persons residing in the specified counties who are eligible to purchase a low cost automobile insurance policy through the program established in those counties. The establishment of the rates in these six counties is exempt from the APA and OAL's review pursuant to Government Code section 11340.9, subdivision (g); however, the expansion of the program into these six designated counties is subject to the APA and OAL review.

Title 10
California Code of Regulations
AMEND: 2498.6
Filed 10/10/2007
Effective 10/10/2007
Agency Contact:
Mary Ann Shulman (415) 538-4133

File # 2007-0910-01
DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Alternative Management Standards for Treated Wood Waste

On May 4, 2007, the Department of Toxic Substances Control (DTSC) submitted to the Office of Administrative Law (OAL) a regulatory action providing alternative management standards for treated wood waste. On June 15, 2007, DTSC withdrew proposed subsection (a)(2)(B)(3) of section 67386.6 of title 22 from this regulatory action to make an additional change available to the public for comment. On June 18, 2007, OAL approved DTSC's remaining regulatory action. Those regulations went into effect July 1, 2007. The change to withdrawn subsection (a)(2)(B)(3) of section 67386.6 made available to the public allows containers filled to capacity with treated wood waste to be transported to

treated wood waste facilities. The previously proposed regulatory text would have allowed transport of these containers only to an approved land fill. This regulatory action is the submission to OAL of the previously withdrawn subsection (a)(2)(B)(3) of section 67386.6 of title 22 along with a punctuation change and a fix for a typographical error in two other sections contained in the original submission to OAL.

Title 22
California Code of Regulations
AMEND: 67386.5, 67386.6, 67386.11
Filed 10/03/2007
Effective 11/02/2007
Agency Contact: Laura Hayashi (916) 322-6409

File # 2007-0831-05
FISH AND GAME COMMISSION
Crabs

This regulatory action clarifies that Dungeness crab may not be taken from or possessed if taken from San Francisco Bay and San Pablo Bay, plus all their tidal bays, sloughs and estuaries between the Golden Gate Bridge and Carquinez Bridge.

Title 14
California Code of Regulations
AMEND: 29.85
Filed 10/09/2007
Effective 11/08/2007
Agency Contact: Sherrie Koell (916) 653-4899

File # 2007-0827-02
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Snow Avalanche Blasting

This action makes substantial revisions to snow avalanche blasting standards.

Title 8
California Code of Regulations
ADOPT: 5349, 5350, 5351, 5352, 5353, 5354, 5355.1 AMEND: 5355, 5356, 5357, 5358
Filed 10/10/2007
Effective 11/09/2007
Agency Contact: Michael Manieri (916) 274-5721

File # 2007-0827-03
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Hammerhead Tower Cranes

Occupational Safety and Health Standards Board proposes amendment to Title 8, section 4884 provisions applicable to California's safety standards for Hammerhead Tower Cranes (HTCs). These standards incorporate by reference ANSI standards, which apply to HTCs

depending on the date of manufacture. Amended section 4884 revises and expands existing standards to cover all manufacturing dates and resolves conflicting standards applicable to HTCs manufactured after May 16, 1993 through June 23, 1999.

Title 8
California Code of Regulations
AMEND: 4884
Filed 10/10/2007
Effective 11/09/2007
Agency Contact: Keith Umemoto (916) 274-5721

File # 2007-0827-04
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Date Palm Operations Use of Special Purpose Ladders

This action adopts standards for the materials, design, strength, and means of attachment of orchard ladders permanently attached to date palm trees.

Title 8
California Code of Regulations
ADOPT: 3458.1
Filed 10/03/2007
Effective 11/02/2007
Agency Contact: Michael Manieri (916) 274-5721

File # 2007-0827-05
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Energized Equipment or Systems

The amendments to this Safety Order concern the provision for the use of insulating gloves or insulated tools. It provides an exception to the requirement of wearing protective gear when working on energized systems for low voltage exposure (less than 50 volts) when a conclusive determination has been made by a qualified person that there will be no exposure to electrical hazards. It also provides the standards for the care, inspection and testing of the insulating gloves and sleeves by incorporating updated ASTM standards.

Title 8
California Code of Regulations
AMEND: 2320.2
Filed 10/09/2007
Effective 11/08/2007
Agency Contact: Keith Umemoto (916) 274-5721

File # 2007-0821-02
STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998; Charter School Amendments

The regulatory action deals with the Charter School Facilities Program.

Title 2
California Code of Regulations
ADOPT: 1859.167.2, 1859.167.3 AMEND: 1859.2,
1859.163.3, 1859.167 REPEAL: 1859.167.1
Filed 10/03/2007
Effective 10/03/2007
Agency Contact: Robert Young (916) 445-0083

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN MAY 09, 2007 TO
OCTOBER 10, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

07/09/07 AMEND: 270
06/28/07 AMEND: 2616

Title 2

10/09/07 AMEND: 1896.98, 1896.99.100,
1896.99.120
10/03/07 ADOPT: 1859.167.2, 1859.167.3
AMEND: 1859.2, 1859.163.3, 1859.167
REPEAL: 1859.167.1
10/01/07 ADOPT: 1859.71.6, 1859.77.4 AMEND:
1859.2
09/24/07 ADOPT: 18420.5
09/24/07 ADOPT: 18361 AMEND: 18360,
18361.7
09/20/07 ADOPT: 18466
09/20/07 REPEAL: 18530.9
09/11/07 ADOPT: 18440
09/10/07 AMEND: 1183.13
09/04/07 ADOPT: 54700
08/31/07 ADOPT: 1859.180, 1859.181, 1859.182,
1859.183, 1859.184, Form SAB 50-11
AMEND: 1859.2, 1859.51, 1859.61,
1859.75.1, 1859.81, 1859.81.1,
1859.81.2, 1859.103, 1859.104,
1859.202, 1866, Form SAB 50-04, Form
SAB 50-06
08/31/07 AMEND: 18109, 18204.5, 18208.5,
18215.2, 18228, 18236, 18241, 18306,
18315, 18323, 18325, 18350, 18404.2,
18410, 18416, 18429, 18432, 18438,

18457, 18500, 18502, 18502.1, 18502.2,
18519.4, 18522, 18526.1, 18530.1,
18531.1, 18531.3, 18531.4, 18532,
18536.1, 18536.2, 18538, 18538.2,
18541, 18564, 18573, 18580, 18585,
18586, 18587, 18588, 18590, 18616.5,
18618, 18619, 18620, 18621, 18622,
18626, 18650, 18700.1, 18702.6,
18704.3, 18707.3, 18720, 18725, 18726,
18726.1, 18726.2, 18726.3, 18726.4,
18726.5, 18726.6, 18726.7, 18726.8,
18727, 18760, 18902, 18930.1, 18931,
18935, 18940.1, 18950.2, 18954

08/03/07 AMEND: 58800
08/02/07 ADOPT: 1700
07/18/07 AMEND: 1859.2, 1859.51, 1859.61,
1859.81, 1859.202, 1866
07/18/07 AMEND: 18361.2, 18361.4
07/18/07 ADOPT: 7288.0, AMEND: 7288.0,
7288.1, 7288.2, 7288.3
07/17/07 AMEND: 1859.2
07/02/07 ADOPT: 18531.62 AMEND: 18544,
18545
07/02/07 ADOPT: 1859.302, 1859.324.1,
1859.330 AMEND: 1859.302, 1859.318,
1859.320, 1859.321, 1859.322,
1859.323, 1859.323.1, 1859.323.2,
1859.324, 1859.326, 1859.328, 1859.329
06/20/07 ADOPT: 1859.106.1 AMEND: 1859.106
06/15/07 AMEND: div. 8, ch. 111, sec. 59560
06/13/07 ADOPT: 20108, 20108.1, 20108.12,
20108.15, 20108.18, 20108.20,
20108.25, 20108.30, 20108.35,
20108.36, 20108.38, 20108.40,
20108.45, 20108.50, 20108.51,
20108.55, 20108.60, 20108.65,
20108.70, 20108.71, 20108.75, 20108.80
REPEAL: 20108.37
05/23/07 ADOPT: 20108, 20108.1, 20108.12,
20108.15, 20108.18, 20108.20,
20108.25, 20108.30, 20108.35,
20108.36, 20108.38, 20108.40,
20108.45, 20108.50, 20108.51,
20108.55, 20108.60, 20108.65,
20108.70, 20108.71, 20108.75, 20108.80
05/21/07 AMEND: 18402
05/17/07 ADOPT: 1859.70.4, 1859.71.6,
1859.77.4, 1859.162.1, 1859.162.2,
1859.162.3, 1859.163.4, 1859.163.5,
1859.163.6, 1859.163.7, 1859.169.1
AMEND: 1859.2, 1859.51, 1859.60,

1859.61, 1859.70.3, 1859.71, 1859.78.9, 1859.83, 1859.93.2, 1859.160, 1859.161, 1859.162, 1859.163.1, 1859.163.2, 1859.163.3, 1859.164, 1859.164.1, 1859.164.2, 1859.165, 1859.166, 1859.167, 1859.167.1, 1866.4, 1866.13 REPEAL: 1859.162.1		Title 5	
05/17/07	AMEND: 52900	10/02/07	AMEND: 80001
05/14/07	AMEND: 599.664	10/01/07	AMEND: 43726
Title 3		09/24/07	ADOPT: 17604.1, 17605.1, 17624, 17630.1, 17638, 17639, 17643, 17644, 17650 AMEND : 17600, 17601, 17602, 17603, 17604, 17605, 17606, 17607, 17608, 17609, 17625, 17626, 17627, 17628, 17629, 17630.2, 17631, 17632, 17640, 17641, 17642, 17646, 17648 REPEAL: 17633, 17634, 17645, 17647, 17649
10/03/07	AMEND: 3433(b)	09/10/07	ADOPT: 19828.2, 19829.5, 19830.1, 19837.1, 19838, 19846 AMEND: 19816, 19816.1, 19828.1, 19830, 19837, 19854
09/28/07	AMEND: 3434(b)	08/27/07	ADOPT: 9517.2
09/25/07	AMEND : 3591.2(a)	08/23/07	AMEND: 42000, 42002, 42003, 42005, 42006, 42007, 42008, 42009, 42010, 42011, 42012, 42013, 42018, 42019
09/24/07	ADOPT : 3591.20	08/16/07	ADOPT: 18096 AMEND: 18078, 18081, 18084, 18085, 18089, 18090, 18100, 18107
09/19/07	AMEND: 3700(c)	08/13/07	ADOPT: 17660, 17661, 17662, 17663, 17664, 17665, 17666, 17667
09/17/07	AMEND: 3406(b)	08/09/07	AMEND: 80124, 80125
09/12/07	AMEND: 3700(c)	07/31/07	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7
09/11/07	AMEND: 3591.5(a)	07/27/07	AMEND: 50500
09/11/07	AMEND: 3433(b)	07/20/07	ADOPT: 58520
09/10/07	ADOPT: 1391, 1391.1	07/17/07	ADOPT: 52000, 52010, 55003, 55007, 55020, 55021, 55022, 55023, 55024, 55025, 55030, 55031, 55032, 55033, 55034, 55035, 55040, 55041, 55042, 55043, 55044, 55050, 55051, 55052, 55060, 55061, 55062, 55063, 55064, 55070, 55072, 55080, 55100, 55130, 55150, 55151, 55151.5, 55151.7, 55160, 55170, 55182, 55183, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55230, 55231, 55232, 55233, 55234, 55235, 55236, 55240, 55241, 55242, 55243, 55245, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55400, 55401, 55402, 55403, 55404, 55405, 55450, 55451, 55603, 55607, 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806,
09/05/07	ADOPT: 820.2, 820.7 AMEND: 820, 820.3, 820.4, 820.5, 820.6, 820.7 REPEAL: 820.6		
08/21/07	AMEND: 3434		
08/10/07	ADOPT: 3152		
07/24/07	AMEND: 3591.6(a)(1)		
07/23/07	AMEND: 3589(a)		
07/20/07	AMEND: 3591.6(a)(1)		
07/20/07	AMEND: 3423(b)		
07/18/07	AMEND: 3434(b)		
07/13/07	AMEND: 3591.20(a)		
07/09/07	AMEND: 3433(b)		
07/06/07	AMEND: 3591.2(a)		
07/06/07	AMEND: 3589(a)		
06/21/07	AMEND: 3434(b), 3434(c)		
06/13/07	ADOPT: 6739 AMEND: 6000, 6720, 6738, 6793		
06/07/07	AMEND: 3434(b)		
06/06/07	AMEND: 3434(b)		
06/05/07	AMEND: 3591.20(a)		
05/31/07	ADOPT: 900, 900.1, 900.2, 901.5, 901.8, 901.9, 901.10, 901.11, 902, 902.1, 902.3, 902.4, 902.5, 902.6, 902.7, 902.8, 902.9, 902.10, 902.11, 902.12, 902.13, 902.14, 903, 903.1, 903.2, 903.3, 903.4, 903.5, 903.6, 903.7, 903.8, 903.9, 903.10, 903.11, 903.12		
Title 4			
09/20/07	AMEND : 1844		
09/04/07	AMEND: 12205.1, 12225.1		
05/30/07	AMEND: 1481		

55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 55840, 55841, 58161, 58161.5 AMEND: 55000, 55000.5, 55002, 55002.5, 55005, 55006, 55250, 55250.2, 55250.3, 55250.4, 55250.6, 55250.7, 55252, 55253, 55256, 55257, 55500, 55502, 55510, 55514, 55518, 55521, 55523, 55530, 55600, 55601, 55602.5, 55605, 55630, 55700, 55701, 55702, 55720, 55732, 56029, 58003.1, 58007, 58009, 58051 REPEAL: 55004, 55100, 55130, 55150, 55151, 55151.5, 55151.7, 55160, 55170, 55182, 55183, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55230, 55231, 55232, 55233, 55234, 55235, 55236, 55240, 55241, 55242, 55243, 55245, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55400, 55401, 55402, 55403, 55404, 55405, 55450, 55451, 55603, 55607, 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806, 55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 55840, 55841, 58161	07/23/07	ADOPT: 32993 AMEND: 32990, 32992, 32994, 32995, 32996, 32997 REPEAL: 32991, 32993
	06/19/07	AMEND: 212.01
	06/15/07	ADOPT: 9792.20, 9792.21, 9792.22, 9792.23
	06/07/07	ADOPT: 9792.11, 9792.12, 9792.13, 9792.14, 9792.15
	06/01/07	AMEND: 4543
	05/23/07	AMEND: 9767.4, 9767.8, 9768.10, 9788.11
	05/23/07	AMEND: 5001
	05/21/07	AMEND: 9768.5, 9788.31
	05/16/07	AMEND: 8397.16
Title 9		
	08/27/07	AMEND: 7128
	08/23/07	ADOPT: 3100, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3200.170, 3200.180, 3200.190, 3200.210, 3200.220, 3200.230, 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3410, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650 REPEAL: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415
	06/12/07	AMEND: 10501, 10508, 10511, 10515, 10518, 10522, 10524, 10527, 10529, 10532, 10533, 10545, 10547, 10550, 10561, 10568, 10606, 10608, 10609, 10613, 10615, 10620, 10626, 10630
	05/24/07	AMEND: 13035
Title 8		
10/10/07	ADOPT: 5349, 5350, 5351, 5352, 5353, 5354, 5355.1 AMEND: 5355, 5356, 5357, 5358	
10/10/07	AMEND: 4884	
10/09/07	AMEND: 2320.2	
10/03/07	ADOPT: 3458.1	
08/22/07	AMEND: 14300.10, 14300.12, 14300.29, 14300.46	
08/21/07	AMEND: 1740	
Title 10		
	10/10/07	AMEND: 2498.6
	10/10/07	AMEND: 2218.63(b)
	10/09/07	AMEND: 5.2001
	09/19/07	ADOPT: 2538.1, 2538.2, 2538.3, 2538.4, 2538.5, 2538.6, 2538.7, 2538.8
	09/17/07	AMEND: 2498.6
	08/29/07	ADOPT: 2842 AMEND: 2848

08/29/07	ADOPT: 3007.05, 3007.2 AMEND: 2805, 2809.3, 2840, 2849.01, 3005, 3006, 3007.3, 3011.4 REPEAL: 2840.1	999.143, 999.144, 999.145, 999.146, 999.147, 999.148, 999.149, 999.150, 999.151, 999.152, 999.153, 999.154, 999.165, 999.166, 999.167, 999.168, 999.169, 999.170, 999.171, 999.172, 999.173, 999.174, 999.175, 999.176, 999.177, 999.178, 999.179, 999.190, 999.191, 999.192, 999.193, 999.194, 999.195, 999.196, 999.197, 999.203, 999.204, 999.205, 999.206, 999.207, 999.208, 999.209, 999.210, 999.211, 999.217, 999.218, 999.219, 999.220, 999.221, 999.222, 999.223
08/20/07	ADOPT: 2105.1, 2105.2, 2105.3, 2105.4, 2105.5, 2105.6, 2105.7, 2105.8, 2105.9, 2105.10, 2105.11, 2105.12, 2105.13, 2105.14, 2105.15, 2105.16, 2105.17, 2105.18, 2105.19	
08/13/07	ADOPT: 5357, 5357.1, 5357.2, 5358, 5358.1 AMEND: 5350, 5352	
07/31/07	AMEND: 2699.205, 2699.6600, 2699.6607, 2699.6608, 2699.6613, 2699.6629, 2699.6813	
07/26/07	ADOPT: 2355.1, 2355.2, 2355.3, 2355.4, 2355.5, 2355.6, 2355.7, 2355.8, 2356.1, 2356.2, 2356.3, 2356.4, 2356.5, 2356.6, 2356.7, 2356.8, 2356.9, 2357.1, 2357.2, 2357.3, 2357.4, 2357.5, 2357.6, 2357.7, 2357.8, 2357.9, 2357.10, 2357.11, 2357.12, 2357.13, 2357.14, 2357.15, 2357.16, 2357.17, 2357.18, 2357.19, 2358.1, 2358.2, 2358.3, 2358.4, 2358.5, 2358.6, 2358.7, 2358.8, 2358.9, 2359.1, 2359.2, 2359.3, 2359.4, 2359.5, 2359.6, 2359.7 REPEAL: 2555, 2555.1, 2556, 2556.1, 2556.2	06/08/07 ADOPT: 9020 REPEAL: 1019 06/08/07 AMEND: 9072 06/06/07 AMEND: 1010 (renumber to 9030 to new Chapter 3) 06/04/07 AMEND: 1081 06/01/07 AMEND: 1005, 1007, 1008 06/01/07 ADOPT: 999.6, 999.7, 999.8
07/09/07	AMEND: 260.140.8, 260.140.41, 260.140.42, 260.140.45, 260.140.46	
06/28/07	AMEND: 2498.4.9	
06/28/07	AMEND: 2498.4.9	
06/28/07	AMEND: 2498.6	
06/28/07	AMEND: 2498.5	
06/28/07	AMEND: 2498.4.9	
06/28/07	AMEND: 2498.6	
06/28/07	AMEND: 2498.6	
06/28/07	AMEND: 2498.6	
06/28/07	AMEND: 2498.6	
06/28/07	AMEND: 2498.4.9	
06/28/07	AMEND: 2498.5	
Title 11		
09/28/07	AMEND: 51.19	
08/08/07	AMEND: 1005, 1007, 1008	
08/01/07	AMEND: 1070, 1081, 1082	
08/01/07	AMEND: 1070, 1081, 1082	
07/31/07	ADOPT: 999.100, 999.101, 999.102, 999.108, 999.114, 999.115, 999.121, 999.122, 999.128, 999.129, 999.130, 999.131, 999.132, 999.133, 999.134, 999.135, 999.136, 999.137, 999.138, 999.139, 999.140, 999.141, 999.142,	06/08/07 AMEND: 125.02, 125.04, 125.08, 125.12, 125.16, 125.20 09/11/07 AMEND: 1956.1, 1956.8 08/22/07 ADOPT: 1300, 1400, 1401, 1402, 1403, 1404, 1405 REPEAL: 1300, 1301, 1302, 1303, 1304, 1304.1, 1305, 1310, 1311, 1312, 1313, 1314, 1315, 1320, 1321, 1322, 1323, 1324, 1325, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1339.1, 1339.2, 1339.3, 1339.4, 1339.5, 1339.6, 1340, 1341, 1342, 1343, 1344, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1370, 1371, 1372, 1373, 1374, 1375, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1420, 1421, 1422, 1423, 1424, 1425, and Article 15 text 08/21/07 AMEND: 932, 934.1 08/07/07 AMEND: 794 07/25/07 AMEND: 156.00 07/16/07 AMEND: 2111, 2112, 2411, 2412, 2413, 2415 07/13/07 AMEND: 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610 REPEAL: 2611 07/13/07 AMEND: 330.08

CALIFORNIA REGULATORY NOTICE REGISTER 2007, VOLUME NO. 42-Z

07/11/07	ADOPT: 150.08	1321, 1323, 1324, 1325, 1340, 1341,
07/09/07	AMEND: 225.18, 225.39, 225.45, 225.54 and 225.63	1342, 1343, 1350, 1353, 1357, 1360, 1361, 1370, 1374, 1375, 1377, 1378, 1390, 1407, 1437, 1438, 1439, 1450, 1461, 1462, 1480, 1501
06/29/07	AMEND: 181.00	
05/23/07	AMEND: 2180.1, 2181, 2184, 2185, 2186, 2192, 2194 REPEAL: 2011	06/05/07 ADOPT: 3999.5
Title 13, 17		05/15/07 ADOPT: 3999.4
09/12/07	ADOPT: 93116.3.1 of title 17 AMEND: 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, and 2462 of title 13, 93116.1, 93116.2, and 93116.3 of title 17	Title 16
06/15/07	AMEND: Title 13, 1969, Title 17, 60060.2, 60060.11, 60060.15, 60060.16, 60060.17, 60060.18, 60060.22, 60060.29, 60060.32, 60060.33, 60060.34	10/05/07 AMEND: 306, 306.1, 310, 390, 390.2, 390.3, 390.4, 390.5
Title 14		10/04/07 AMEND: 1399.678
10/09/07	AMEND: 29.85	10/01/07 AMEND: 3394.6
09/19/07	AMEND: 502, 509	09/20/07 AMEND: 2649
08/29/07	AMEND: 251.7, 257, 300, 600	09/17/07 ADOPT: 973, 973.1, 973.2, 973.3, 973.4, 973.5, 973.6
08/22/07	AMEND: 165, 245—App. A, 632	09/11/07 AMEND: 950.10
07/30/07	ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5	09/11/07 ADOPT: 2520.4, 2520.5, 2577.5, 2577.6 AMEND: 2518.6, 2523, 2523.2, 2523.5, 2523.6, 2576.6, 2579.2, 2579.4, 2579.7, 2579.8 REPEAL: 2523.1, 2579.3
07/27/07	ADOPT: 15155, 15190.5, 15191, 15192, 15193, 15194, 15195, 15196, AMEND: 15053, 15061, 15062, 15072, 15073, 15074, 15082, 15087, 15105, 15179, 15180, 15186 REPEAL: 15083.5	08/28/07 ADOPT: 1351.1
07/19/07	AMEND: 4970.50	08/28/07 ADOPT: 1315.03, 1326 AMEND: 1325.4
07/17/07	AMEND: 2305, 2310, 2320	08/03/07 AMEND: 1399.541
07/10/07	AMEND: 4970.50, 4970.53, 4970.55, 4970.62, 4970.63, 4970.64	08/03/07 AMEND: 2036, 2036.5
06/21/07	ADOPT: 2850 AMEND: 2090, 2425, 2530 REPEAL: 2850	08/01/07 AMEND: 3340.16, 3340.42, 3392.2
06/21/07	AMEND: 7.50(b)(91.1)	07/16/07 AMEND: 2670
06/20/07	AMEND: 3696.5	07/12/07 AMEND: 160
06/18/07	AMEND: 17210.2, 17210.4, 17855.2, 17862, 17867	07/11/07 AMEND: 68.3, 68.4, 88, 88.1, 88.2, 89, 99
06/11/07	ADOPT: 721	07/10/07 AMEND: 4114
06/08/07	ADOPT: 2880	07/03/07 ADOPT: 4152.1
05/29/07	AMEND: 360, 361, 362, 363, 364, 702, 708	06/22/07 AMEND: 1399.170.11
05/10/07	AMEND: 27.80	06/20/07 AMEND: 3303.1
05/10/07	AMEND: 5.51, 7.50(b) (53.8)	06/15/07 AMEND: 2070, 2071
Title 15		06/12/07 AMEND: 1325, 1339, 1344, 1350.3, 1355.35
10/09/07	ADOPT: 2536.1	05/30/07 ADOPT: 980.2, 980.3 AMEND: 980.1
10/01/07	ADOPT: 3075.4 AMEND: 3000	05/23/07 AMEND: 1706.2
09/05/07	AMEND: 3000, 3315, 3323, 3341.5	Title 17
08/13/07	AMEND: 3190, 3191	09/24/07 ADOPT: 93102.1, 93102.2, 93102.3, 93102.4, 93102.5, 93102.6, 93102.7, 93102.8, 93102.9, 93102.10, 93102.11, 93102.12, 93102.13, 93102.14, 93102.15, and 93102.16 AMEND: 93102
06/26/07	ADOPT: 4034.0, 4034.1, 4034.2, 4034.3, 4034.4, 4036 REPEAL: 4040	09/18/07 ADOPT: 93115.1, 93115.2, 93115.3, 93115.4, 93115.5, 93115.6, 93115.7, 93115.8, 93115.9, 93115.10, 93115.11, 93115.12, 93115.13, 93115.14, 93115.15 AMEND: 93115
06/18/07	ADOPT: 1363 AMEND: 1300, 1302, 1303, 1304, 1311, 1312, 1314, 1320,	08/28/07 ADOPT: 2641.56, 2641.57 AMEND: 2641.30, 2641.45, 2641.55, 2643.5,

2643.10, 2643.15 REPEAL: 2641.75,
2641.77
08/27/07 AMEND: 93300.5
08/08/07 ADOPT: 94201.1 AMEND: 94201,
94202, 94203, 94204, 94207, 94208,
94209, 94210, 94211, 94212
07/30/07 AMEND: 2500, 2502, 2505
07/24/07 ADOPT: 100085
07/11/07 AMEND: 30315.33, 30316.60, 30317,
30319.20
06/27/07 AMEND: 54342
06/26/07 AMEND: 60201, 60202, 60205, 60210
06/14/07 ADOPT: 100300, 100301, 100302,
100303, 100304, 100305, 100306,
100308, 100309, 100310

Title 18

07/30/07 AMEND: 1591.2
07/30/07 AMEND: 1591
07/30/07 AMEND: 1591.4
07/26/07 AMEND: 1586
07/16/07 AMEND: 1603
07/10/07 AMEND: 1660
07/02/07 AMEND: 17952
06/20/07 ADOPT: 25137-14
06/05/07 AMEND: 1668
06/04/07 ADOPT: 1671.1
05/17/07 AMEND: 1802
05/15/07 AMEND: 1703

Title 19

10/01/07 AMEND: 2600

Title 20

08/22/07 AMEND: 1602, 1604, 1606, 1607
07/03/07 ADOPT: 1233.5, 1234, 1236.5, 1311,
1346, 1349, 2508 AMEND: 1230, 1231,
1232, 1233, 1234, 1235, 1236, 1301,
1302, 1303, 1304, 1305, 1306, 1307,
1308, 1309, 1310, 1341, 1342, 1343,
1344, 1345, 1347, 1348, 1350, 1351,
2501, 2502, 2503, 2504, 2505, 2506,
2507 REPEAL: 1340
06/11/07 AMEND: 4.1

Title 22

10/03/07 AMEND: 67386.5, 67386.6, 67386.11
09/18/07 ADOPT: 64432.3, 64432.8 AMEND:
64413.1, 64431, 64432, 64447.2,
64463.1, 64465, 64481 REPEAL: 64450
09/06/07 ADOPT: 66270.69.2 AMEND: 66270.67
(renumber to 66270.69.5), 66270.69
(renumber to 66270.69.1), 67800.1
(renumber to 66270.69.3), 67800.5
(renumber to 66270.69.4)
09/05/07 AMEND: 4427

08/31/07 AMEND: 12805
08/08/07 ADOPT: 96040, 96041, 96042, 96043,
96044, 96045, 96046, 96050 AMEND:
96000
07/18/07 AMEND: 4401.5 REPEAL: 4401, 4402,
4432, 4441
07/18/07 ADOPT: 69109 AMEND: 69100, 69101,
69102, 69103, 69104, 69105, 69106,
69107, 69108
07/16/07 ADOPT: 50966 AMEND: 50961, 50962
06/18/07 ADOPT: 67386.5, 67386.6, 67386.7,
67386.8, 67386.9, 67386.10, 67386.11,
67386.12 AMEND: 66261.9.5,
Appendix XII, 67386.1, 67386.2,
67386.3, 67386.4

Title 22, MPP

08/07/07 ADOPT: 86500, 86501, 86505, 86505.1,
86506, 86507, 86508, 86509, 86510,
86511, 86512, 86517, 86518, 86519,
86519.1, 86519.2, 86520, 86521, 86522,
86523, 86524, 86526, 86527, 86528,
86529, 86531, 86531.1, 86531.2, 86534,
86535, 86536, 86540, 86542, 86544,
86545, 86546, 86552, 86553, 86554,
86555, 86555.1, 86558, 86559, 86561,
86562, 86563, 86564, 86565, 86565.2,
86565.5, 86566, 86568.1, 86568.2,
86568.4, 86570, 86572, 86572.1,
86572.2, 86574, 86575, 86576, 86577,
86578, 86578.1, 86579, 86580, 86586,
86587, 86587.1, 86587.2, 86588
AMEND: 11-400c, 11-402, 45-101(c),
45-202.5, 45-203.4, 45-301.1

Title 23

09/04/07 AMEND: 2053
08/27/07 AMEND: 2200, 2200.2, 2200.3, 2200.4,
2200.6 REPEAL: 2201
08/21/07 ADOPT: 3979.2
08/20/07 ADOPT: 3979.3
08/16/07 ADOPT: 3939.26
08/15/07 AMEND: 3939.10
08/14/07 ADOPT: 3939.25
08/09/07 ADOPT: 3949.4
08/02/07 ADOPT: 3967
06/27/07 ADOPT: 3002
06/19/07 ADOPT: 3949.3
05/21/07 ADOPT: 499.4.1.1, 499.4.1.2, 499.4.2,
499.6.3 AMEND: 499.1, 499.2, 499.3,
499.4, 499.4.1, 499.5, 499.6, 499.6.1,
499.7, 499.8 REPEAL: 499.6.2

CALIFORNIA REGULATORY NOTICE REGISTER 2007, VOLUME NO. 42-Z

05/18/07	ADOPT: 3959		20920, 29021, 20923, 20925, 20931,
05/18/07	ADOPT: 3958		20932, 20933, 20934, 20937 REPEAL:
			20919.5
Title 25		Title MPP	
07/06/07	AMEND: 5060, 5061, 5062, 5064, 5520,	07/30/07	AMEND: 47–201, 47–401
	5521, 5530, 5540.1, 5575	06/26/07	AMEND: 40–118, 43–103, 44–209,
05/23/07	AMEND: 6932		80–301, 82–808
Title 27		06/25/07	AMEND: 47–110 and 47–301
08/21/07	ADOPT: 20939 AMEND: 20918, 20919,		